A Collection

App. F. IX-4

1936.
(July)

File No. 12-[illegible]

Previous References

Serial Nos.

Later References

GENERAL AND REVENUE SECRETARIAT

Proceedings
Manuscript

Serial Nos. one

~~Part B~~ for July 1936

SUBJECT.

Regulation for the suppression of brothels and immoral traffic in Ceylon

Gorop 852 of 31-7-36 To the Compi

orders on publication of the Regn for the suppression of brothels and immoral traffic in Ceylon, Regn VIII of 1936

MG Gunger
11/9/36

Private Bill for the Suppression of Immoral Traffic

General and Revenue Secretariat.

[App. F. III-2

File No. 12 of 1936

D 810

Letter Dated 11th Nov 1935 from Mr. B.S. Mallappa, M.L.C. to Secretary.

In writing reference to the grant of leave by the Council at its last session to ~~which~~ him for introducing the Bill on the suppression of Immoral Traffic in the State, he states that he wants to introduce the Bill at the ensuing Session and requests that the permission of the President may be obtained and communicated to him and that two copies of the Bill may be sent to him.

1) Leave was granted to Mr. B.S. Mallappa by the Council at its last session to introduce the Bill for the suppression of Immoral Traffic in the State.

2) Under Rule 7, Mr. Mallappa has to send the Bill together with a full statement of the objects and reasons for the proposed measure and any connected papers for being printed and circulated amongst the members and publication in the Gazette. Mr. Mallappa has merely asked for the permission of the President being obtained and communicated to him. It is true that this Bill has already been circulated amongst the members. But it seems desirable that the member should forward a Bill (retaining the opportunity for revision in the light of discussion) under Rule 7. Draft inviting reference to Rule 7 and requesting Mr. Mallappa to comply with the conditions prescribed therein prior to appl or other orders.

13.11.35

4/18/11/35

No 1837 / L.G. Dated 13th Nov 1935. to Mr. B.S. Mallappa

NOTE—Contn. Sheet.

Private Bill for the Suppression of Immoral Traffic.

General and Revenue Secretariat.

File No. 17 of 1936

[App. F. III-2

DEWAN'S OFFICE
21 NOV. 1935
No. 3280D.

D 875.

Letter dated 19th Novr. 1935 from Mr. D.S. Mallappa, M.L.C. to Diwan.

states that, as for some time past on account of the business, he has enclosed the bill together with the statement of objects and reasons, for being printed and published amongst the other bills published in the Gazette.

1) At the ~~December~~ last June Session of the L.C, leave was granted to Mr. D.S. Mallappa to introduce his bill. He has now forwarded the Bill for being printed and published under Rule 7 of the L.C. Rules of business. The proviso to Rule 7, it is seen that the permission of the Dewan is necessary to publish the Bill in the G.

Draft notification for publishing the Bill in the Gazette put for appl. After issue, the file will be passed on to the Protection Br. for further necessary action as in the case of Govt. measures.

Subd.

21/11/35

2) The Bill will be published in the Gazette & the motion for introducing it in the L.C will be included in the agenda.

Dewan) 21/11/35

3) 21-11-35

No 1920/L.C. Dated 22nd Nov 1935 for publication in the G.
Subd.

4) The file will be sent to the Prot. Br. for further necessary action.

25.11.35

25/11

NOTE—Contn. Sheet.

4121

3/3 Suppression of Immoral Traffic

File No. Laps in D875 of 1936 | General and Revenue Secretariat

To

8) The L.C. Office forwards printing of a copy of the Bill as published and to note the motion must included

Done 27/11

7) A copy of the printed bill is put up as desired. The motion now to be included in the agenda seems to be for "the Bill being read in formal" (second stage).

(Prot.n B.r W.C.)

2/12/35

~~Entered formal.~~ 8) The mover of the Bill having suggested the motion he proposes to move at the meeting no further action appears necessary. The file will be returned to the L.C. Office

Done 4/12

6/12/35

9) L.C. Office

4.12.35

OFFICE OF THE SEC... 5 DEC 1935 REPRESENTATIVE ... AND LEGISLATIVE COUNCIL

P.T.O

(Page 210 [illegible])

(1) Except rules 6 and 6 (a) of the L.C. rules of business which are applicable solely to Govt. bills and private measures, respectively, the other rules and standing orders are applicable to both.

Besides the above, certain revised rules have been laid down in regard to the procedure to be followed in the Secretariat for dealing with measures of legislation under the contemplation of Govt. (vide G.O. no. P. 362-70/Regis 1-30-1 dated 16th July 1930). The stages contemplated in ~~clauses~~ rules (j) and (k) in the G.O. read above are common to both Govt. and private bills.

(Page 22)

(2) Under S.O. 51 (page 22), the Select Committee may elect its own Chairman but under ~~clause~~ rule (j) of the revised rules, the member in charge will be the Chairman and there will be no election.

(Page 21)

(3) Again under S.O. 43, Select Committees are appointed by the Council and in the case of Govt. bills, the member of Council in charge announces the names of the members of the Comm. In the case of private bills, the mover will be a non-official and ~~perhaps he may~~ it is not clear whether he will have to announce the names of the members of the S.C or the President ~~could~~ does it and in either case, if the non-official member will have a voice in the selection of members. "The member in charge" in the ~~order~~ S.O. 43 means only the mover and he shall always be a member of the S.C. "The Member of Council" has not been assumed of a seat on the Committee.

NOTE—Contn. Sheet.

5) 4 1) Bill for the Suppression of Immoral Traffic

File No. of 193 . General and Revenue Secretariat

14) In Madras, this position has been avoided by the member of the Govt in charge of the department to which the Bill relates and the member who introduced the Bill being members of every Select Committee

15) Whether the Chairman of the S.C. should be the Member of Council who has the portfolio of 'Legislation' and ~~clauses~~ rules (j) and (k) of the revised rules (now applicable to govt bills) should be deemed to be applicable to private bills also are points for orders.

Sd/-

13/12/35

16) In regard to the Bill for the Suppression of Immoral Traffic (Mr. D. S. Mallappa's private Bill) which will be introduced at this Session there are one or two points of procedure which need consideration as the Rules & S.Os. are not clear. The motion after introduction will be for referring the Bill to a Select Committee under S.O. 40. According to it the personnel of the Committee is to be selected by the Council. But what is usually done is that the Member of Govt in charge of a Bill (in the case of Govt Bills) proposes the names of the members of the S.C. & they are approved. The question is who will propose the S.C. members in the case of a private Bill. Mr. Mallappa in this case may proceed in his second motion to propose the members.

17) The next question is who will be the

Page 20 (L.C. Manual)

D-1207

Private Bill for the Suppression of Immoral Traffic

Page 22, P.S.M.

DEWAN'S OFFICE
16 DEC. 1935
No.

chairman of the S.C. under S.O. 51, The Committee may elect its own chairman. But in regards Govt measures, the Member of Govt in charge of the Department concerned will be a member of the S.C. & the chairman of the S.C. This has been so directed in O.M. dated 16th July 1930 though not in the Standing orders. Anyhow it has been the practice for the Member of Govt to be chairman of all Select Committees. In Madras according to the present Rules, the chairman is nominated by the President. In Bombay, the Member of Govt in charge of the Dept will be the chairman unless he waives his right to be chairman.

Our Rules which are framed as it was to suit Govt measures are not clear in regard to private Bills [This is for consideration before the Rules Revision Committee]. To get over the difficulty at present, it is suggested that the President may propose the names of the members of the Select Committee and also propose the 1st M (Member in charge of legislation) as the chairman of the Committee. When this is passed, it will be the decision of the House on the matter.

Chief Secretary)
for Member)

14/12

14/12

To.

14 12

Dewan). 16/12

17/12

14/12

OFFICE OF THE FIRST MINISTER (HOME)
14 DEC. 1935
No. 4.3.19

NOTE—Contn. Sheet.

4121

7 Private Bill for the Suppression of Immoral Traffic.

File No. D1202 of 193 | General and Revenue Secretariat

The file will be passed on to the Prot. Br. for further necessary action as in the case of Govt. Bills.

Subd for orders.

20/12/35 Prom (Gr) 20/1

To

The L.C. office for kindly furnishing a copy of the Proceedings pertaining to this Bill & also note the personnel of the committee appointed to consider the same.

Dom

20/12 Subd with the extracts relating to the Bill. Names of the Select Committee members are also found in the last page of the Extracts.

Prom (Gr) W.C. 29/1/36

29/1

Subd. for orders as to the date of the 3rd meeting.

Info. 2. Remarks received from written in another connection that he would be away from Bangalore from 29-1-36 to 10-3-36.

SCG 1/2/36

A date may be fixed about the middle of March

(1st Member) 3/2/36

OFFICE OF THE FIRST MINISTER 4 FEB. 1936 No. 5419.

1407 393838 8

General and Revenue Secretariat. | File No. of 193 . | [App. F. III-2

5419

Suitably changed to 27/6 [illegible]

Thursday the 19th March — 1 P.M. has been approved by the [illegible]

19/2

19/2

Issue notice

19/2/36

Draft letter issued

19/2

19/2/36

19 FEB. 1936 GENL. & [illegible] SECTT.

Issue No 5658-68 of 28/2 letter of 28/2 from Govt. S.V. Gundappa enquiring if the draft cannot be altered

Sd/ W. for decisions. Mr Waldron will be leaving India on April

29/2

It will be difficult to change the date now. Notices have gone to all the Members. Mr. S.V. Gundappa will be informed accordingly

(1st Member)

29/2/36

OFFICE OF THE FIRST MEMBER 2 MAR. 1936 No. 6275

TYPING SECTION 4. MAR. 1936 GENL. & R. SECTT.

NOTE—Contn. Sheet.

Draft reply is submitted for approval

[illegible] 4/3/36

6771 5648 5393

9

Submission of revised Draft Bill

File No. of 193

General and Revenue Secretariat

Subd. with draft of notes of the adjourned meeting.

21/4.

Issued vide P 7263-73 of 30/4

letter of 2/5 from Mr D. V. Raundaspur pleading inability to attend the meeting

Subd. for perusal

5/5 (1st Member)

5/5/36

TYPING SECTION
21 APR 1936
GENL & REV. SECTT.

OFFICE OF THE HON'BLE MINISTER
5 MAY 1936

Subd. with a draft report & a copy of the Bill as amended by the Select Committee. After approval copies of the report will be sent to members of the Committee for approval

9/5 Draft report submitted with bill as amended.

(1st Member)

9/5/36

7158

10

General and Revenue Secretariat | File No. Leg. 12 of 1936 | [App. F. III—2

Serial No.

Please see changes & notes made. & retype & circulate

11/5

11/5

15/5/36

Issue draft retyped.

15/5/36

Issued No P 75883-93 of 15/5

~~Pl. this also~~

The S. & report has been returned with approval by seven members.

It is state from Messrs D. S. Malaiyapan, G. Ramachandra, B. K. Gowdachar & S. R. Nagappa Iyer.

Submd. for orders if the report may be published without their names.

Reminders respectfully

Mr A. R. N. has sent it

See 21/5

Draft reminders below.

21/5

21/5

Issued No P 77823-8 of 22/5/5

PING SECTION
22 MAY 1936
L & REV. SECTT.

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—13-7-35

11 S.151 Suppression of Untouchability Bill

File No. 10 of 193 General and Revenue Secretariat

Approval has been unanimously all except Mr. T. Ramachandra. Sued for orders if the report of the Bill as amended may be published with the names of all the Committee members except that of Mr T. Ramachandra & a note added that he has not communicated his approval.

26/5 The S.C. report will be published.

All have returned the reports with approval except Mr. T. Ramachandra who is probably not in town.

1st Member)

26/5

The 1st Member has it may be published

26/5

L.C. (Opposition) Mr C

26/5

Secretary to L.C.

Serial No.

The S. C. Report has been published in form ready for sent to members by Dr. S. Mallaya on the Chairman of the Bill. Sect. [illegible] motion to refer the Select Committee was made last time by the First Member who was also appointed as Chairman.

Whether notice of motion to be made at the ensuing session of L.C. is to be given by Dr. S. Mallaya or the First Member is for orders.

The following motions will have to be made:

(a) Motion that the Bill as the report of the Select Committee thereon be taken into consideration.

(b) Motion that the Bill as amended be passed.

Submd. for orders.

4/6/36.

The motions will, if approved be placed under the name of the 1st Member as he was chairman of the S.C.

(1st Member)

OFFICE OF THE CHIEF MEMBER OF JAMMU
5 JUNE 1936
No. 9036

NOTE—Contn. Sheet.

20 L.C. offices for note and circulation

5/6/36

7158

13

Suppression of Brothels Bill.

File No. D 2052 of 193

General and Revenue Secretariat

Motions in respect of this Bill have been received from Mr. D. S. Mallappa and adopted

(Prot.n. Br. ω.c)

11/6/36

7567/pt 35 Dowries Bill Bill 7-4

General & Revenue Secretariat. | File No. | of 193 | [App. F. III–2

Serial No.

Amendments proposed by Mr. F. L. Silva

The amendments are to Sections 7 & 8 of the Bill as amended by the Select committee.

The provisos proposed by Mr. Silva to be omitted provide a safeguard against a possible misfortune within this girl's religious faith if in her tender age she is ~~[illegible]~~ taken over by an institution of a religious order different from hers.

The Select committee has retained the provisions.

This is a permissive bill & the member in charge Mr. A. S. Wickramasooriya may not accept the amendment.

Submitted for orders

SLC 1/2/6

The provisos in Sections 7 & 8 which Mr. Silva wants to be deleted

NOTE—Contn. Sheet.

P.S. No 3/36-37
15

Brothels Bill

7567

Legs File No. 12 12 of 1936

General and Revenue Secretariat

provide that after rescue, a girl shall not be given to the custody of a person who is of a different religious persuasion. This is a safeguard which laid stress upon in the R.A & the L.C & is a part of the original Bill itself. Mr. Silva's amendment may be opposed by

(1st Member) 6/12/6/36

By the member I support

13/6

6/28/6/36

The amendment proposed by Mr. D'Silva was withdrawn.

Sanction of His Highness was accorded on 16th June 36.

Legs 18-34

Send with a draft order for publishing the Regulation.

See 29/7

6 29/7

P.S. 3/7

G.O. No 882 of 31/7 ordering the publication of Regn. VIII of 1936.

HIS HIGHNESS 12 JUNE 1936 9150

TYPING SECTION 29 JUL. 1936 GENL & REV. SECTT.

Prepare copies

Secretary & Secretary

7.9.36

OFFICE OF THE FIRST MEMBER OF COUNCIL
2 APR. 1936
No. 7178

IMMORAL TRAFFIC IN BENGAL

WEAKNESS OF ACT

The necessity of amending the existing Immoral Traffic Act of Bengal was emphasized evening at the annual general meeting of All-Bengal Women's Union by Mr. J. N. Basu. The meeting was held under the presidency of H. H. Maharani Sucharu Devi of Mayurbhanj, at the Y. W. C. A.

Mrs. T. S. Bowman, Hony. Secretary of the Union, presented the annual report. In view of the unsatisfactory manner in which the Immoral Traffic Act was working, she said, it was decided by the Union to form two sub-committees—one to give wider publicity to its work and the other to make a full inquiry into existing social conditions and the possibility of training a whole-time social worker, who would later have to be paid for her services.

"It is strongly felt," said Mrs. Bowman, "that some such action must be taken if wider and better results are to be achieved."

Mrs. S. K. Sinha presented the report of the Board of Management of the All-Bengal Women's Industrial Institute.

H. H. Maharani Sucharu Devi was re-elected President of the Union for the next year, Lady Ezra and Mrs. B. M. Birla Vice-Presidents, and Mrs. M. A. Momin and Mrs. T. S. Bowman joint hon. secretaries.

POSITION OF POLICE

Mr. J. N. Basu said that the legislative measure adopted to deal with the suppression of immoral traffic in the province would have been impossible if the Union had not come forward to help the legislators. The present Act was a mutilated one, and was not effective in checking the evil.

Cognisance of an offence under this Act, he pointed out, could be taken by a court of law only on the initiative of a local corporation or District Board, or on the representation of a society recognized by the Government. Having regard to the want of public opinion in the matter it would be exceedingly difficult to find out a Corporation or a society or some influential person to come forward to take the onus upon themselves. Prosecution meant trouble and expense, and persons who might be wealthy and could command influence might avoid such prosecution. In other countries the Police were given the power to take the initiative, because the existence of a brothel or any such place was first known to the police. But a provision in the Bengal Act took away the initiative from the police.

ECONOMIC ASPECT

Mr. A. T. Weston referred to the economic aspect of the evil and quoted the recommendation of the Sapru Committee report which suggested the establishment of a number of industrial and craft schools by which all persons could receive an industrial and commercial bias in their general line of education. He urged his hearers to exert their influence in encouraging young men to take up actual creative work. If they could bring into existence a state industrialisation in the country he was sure the acute economic causes of the evil would be checked.

The Maharani pointed out that the evil was not entirely due to economic causes. There were in Calcutta, she said, places where children of poor parents lived in an awful state of unprotection.

Submitted for favour of perusal (1st December)

1/4/36

2/4

4/4

DEWAN'S MINUTE.

FILE No. 193 .

DEWAN'S OFFICE
23 DEC. 1935
No. 181

The Madras Mail

SATURDAY, DEC. 21, 1935.

TO-DAY'S WEATHER

MADRAS TEMPERATURE—SATURDAY
Maximum 82.7 (2 p.m.)
Minimum 70.2

Weather Forecast: A few light falls of rain will recur in South-east Madras and Lower Burma.—A.P.

Other weather news appears on page 10

CALENDAR—DECEMBER

		Sun.		Moon.	
		A. M.	P. M.	A. M.	P. M.
Saturday	21st	6 26	5 48	2 17	2 5
Sunday	22nd	6 27	5 48	3 8	2 50
Monday	23rd	6 27	5 48	4 2	3 39
Tuesday	24th	6 28	5 49	4 58	4 33
Wednesday	25th	6 28	5 50	5 55	5 31
Thursday	26th	6 28	5 50	6 50	6 30
Friday	27th	6 29	5 51	7 44	7 30

NEW MOON 25th 11-19 p.m.

IMMORAL TRAFFIC IN MYSORE

The Government of Mysore were wise to refuse their support to MR. D. S. MALLAPPA'S Bill to enforce legislation suppressing immoral traffic in the Mysore State until they had made known their intention to so modify clause 1 that the Act should not be extended to any local area unless the Government were satisfied that there is a sufficient number of Rescue Homes to make such extension effective. They would have done even better had they insisted that the Act should not be operative anywhere, not even in Bangalore or Mysore, to which towns it is to be applied on passing if the Bill goes through in its present form, unless the Government are satisfied that a sufficient number of rescue homes exists there. Because of the absence of such a saving clause, the Madras Act is doing at least as much harm as good. Some people think it is doing more harm than good, that it is cruel in its enforcement, and must continue so until the Government shoulder their responsibility by establishing Rescue Homes. This responsibility was stressed during the discussion of the Madras Bill in the local Legislature; it was virtually admitted by the Government spokesmen, but was evaded on the ground that the finances of the Presidency could not bear the burden involved. Since then events have justified the worst expectations of those who criticised the Government's action. Women have been turned out on to the streets late at night to fend for themselves, and have, in the end, found accommodation in circumstances no better than those from which they were ejected.

The Mysore Government will not make this mistake. They are definitely of opinion, as MR. RAJAGOPALACHARIAR assured the Mysore Legislative Council, that Rescue Homes are necessarily part and parcel of a Bill of that kind. MR. F. A. HAMILTON, Inspector-General of Police in the State, declared "if you pass the Bill into law without providing for Rescue Homes, the Regulation will become a dead letter . . . Rescue Homes and legislative sanction to rescue girls from houses of ill-repute should go together if we are to achieve our object of minimising the evils of prostitution." This close relationship has always been recognised in Madras. But the Government trusted to private charity to provide the institutions without which their Act could not function. And private generosity has failed. We do not forget that certain organizations have provided accommodation for minors rescued from brothels. But they have not been able to provide for the adults rescued. Nor have they the authority to detain them if they had. The Government must provide the homes, and vest them in an authority empowered to detain the rescued until they have obtained alternative employment. The debate on DR. MALLAPPA'S Bill was significant for the official recognition of Government's obligation to see that Rescue Homes exist, and to see that they are undenominational in character. Clause 10 of the Bill declares that "as far as possible the custodians of a rescued girl shall, as far as possible, not be of a different religious persuasion from that of the girl." MR. HAMILTON went further. He would have the homes entirely undenominational, and unless it is the State's intention to establish separate homes for each community, MR. HAMILTON'S way is likely to prove the least provocative of trouble. In saying this we do not underestimate the value of the work done by selfless men and women belonging to various religious communities who, in Madras, are shouldering a burden which the Government should bear. It is, however, beyond question that many such workers lack the support they deserve because of a suspicion existing in certain quarters concerning their motives. There will still be room for the labours of religious organizations even should the Government open its undenominational homes.

This article contains suggestions & criticisms which are worth considering in framing the bill. It should be put up to the Chairman of the Select Committee

22-12-35

(3) C. Secy) See L.C.

(4) 28/12

W

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(~~Continuation sheet draft form.~~)

L. O. No. R 7583-93

To

1) D. S. Mahappa Esq.
2) D. Ramachandra Esq.
3) Rao Bahadur B. K. Garudachar Esq.
4) Khan Bahadur Mahomed Abdul Khan
5) Rajasabhabhushana Diwan Bahadur K. R. Seshiah Iyengar Esq.
6) J. A. Hamilton Esq.
7) Sastrayogiyar Pandit Dr. S. Sukhu Rao B.A., M.R.A.S., L.A.S.
8) A. R. Nagamaraya Esq. B.A., B.L.
9) H. V. Ramaswamy Esq. M.A., B.L.
10) D. V. Gundappa Esq.
11) H. C. Dasappa Esq. B.A., B.L.

Members of

Dear Sir,

I am ordered to forward herewith a copy of the draft report of the Select Committee on the

14

Supposing I am that
with aim to request
you to return to
me the approval by
the 20th inst.

Yours truly

Sey to the committee.

20

D. O. No. P7615 Sec 2

GENERAL AND REVENUE SECRETARIAT,

Dated, Bangalore 16-5-36.

Dear Sir,

I send herewith a copy of the Report of the Select Committee on the Bill for the suppression of immoral traffic together with the bill as amended by the Committee for being set in type and I request that four copies of clean proof of the same may kindly be arranged to be sent to me by Monday evening.

Yours sincerely,

B.Sreenivasa Iyengar, Esq., B.A.,
Superintendent, Government Printing,
Bangalore.

MYSORE MEDICAL DEPARTMENT

21

SASTRAVAIDYA PRAVINA
S. SUBBA RAO, ESQ.,
B.A., M.B.C.M., M.R.C.S. (ENG.),
L.R.C.P., D.P.H.

Telephone :—**No. 215**

OFFICE OF THE SENIOR SURGEON IN MYSORE,

Bangalore, dated 18/5/1936.

D. O. No. K.C. 398

Enc. one

DEAR SIR,

I am returning herewith duly approved the draft report of the Select Committee on the suppression of brothels bill, received with your letter O.P.7583-93 dated 15-5-1936.

Yours sincerely,

S. Subbarao

To

The Secretary to the Committee
on Suppression of Immoral Traffic Bill.
General and Revenue Secretariat,
Bangalore.

22

[illegible],

[illegible] 1936.

P 758393
Genc

Sir,

[illegible] draft report of the [illegible] Bill and to submit you to [illegible] by the 20th instant.

Yours faithfully,

[illegible] to Commission.

H.C. Dasappa, Esq., B.A., LL.B.,

Approved
H.C. Dasappa.
16/5/36.

[illegible] TIEM

OF [illegible]

[illegible] the [illegible] the [illegible] that he was [illegible] the bill at the next [illegible] [illegible] 1936 [illegible] [illegible] or [illegible]

[illegible] that the bill should [illegible] [illegible] the [illegible] questions of [illegible] of barrels and [illegible] to [illegible] the bill to [illegible] ~~[illegible]~~

[illegible] the [illegible] the [illegible] of [illegible] ~~[illegible]~~

[illegible] make provi- [illegible] and in- [illegible] the [illegible] table it is here- by [illegible] [illegible] :-

4. [illegible] [illegible] [illegible]

24

5. We are of opinion that the Regulation should come into operation only when conditions suitable for its working exist in a particular area and the Government may be empowered to extend it to particular areas when they are satisfied that such conditions exist. In clauses 6,7 and 8 of the Bill as amended by us provision is made for rescuing girls from brothels and placing them in ~~xxxxx~~ rescue homes. The establishment of rescue homes in a local area is therefore a condition precedent for the extension of these provisions to such area and we consider that it is necessary to insert a provision to this effect in the clause defining the 'Extent' of the Regulation. We have therefore recast clause 1 (b) as follows:-

"1 (b) The Government may from time to time by notification in the official Gazette apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification,

"Provided that sections 6,7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area".

5. <u>Clause 2 (i)</u>. In the definition of "brothel" the word "habitually" should be inserted after the word "thereof" where it occurs a second time as the characteristic of a brothel is habitual use for purposes of prostitution.

(ii) Definitions of "place of public amusement" and "place of public entertainment" should

[illegible] are the only clauses which may come to be deleted.

(iii) In the [illegible] of Registration the word 'promoters' should be substituted for 'indemnitees'.

(iv) In the [illegible] of Regulation [illegible] in [illegible] [illegible] [illegible]

[illegible] residents [illegible] or

(c) [illegible] the purpose of prostitution or of solicitation [illegible] constitute a nuisance, or to offend against [illegible] may be punished with imprisonment [illegible] may extend to two hundred rupees or with both.

7. Clause 4 and 5. [illegible] bill is confined to the action of brothels [illegible] is seen as [illegible] it seems that it be necessary to [illegible] existing law. [illegible] of our [illegible] the suppression of prostitution [illegible] the object of the present bill. Further, the offence described in the clause are difficult of proof and [illegible] circumstantial evidence [illegible] such [illegible]. In these cases [illegible] and the enforcement clause [illegible].

8. Clause 6. [illegible] as follows to make it read [illegible] :-

"A person who [illegible] from [illegible] for the purpose of prostitution, [illegible] brothel, [illegible] extend to [illegible] or five hundred rupees or both."

Clause 7. [illegible] vague. It is not clear [illegible] by [illegible] village

[illegible] or [illegible] or [illegible] the [illegible] or [illegible] any other place within the [illegible]. [illegible] in the [illegible] from one place to another for the purpose of prostitution [illegible] for the purpose of the [illegible].

[illegible] have [illegible] [illegible] [illegible] :-

10. By permitting [illegible] to [illegible] [illegible] or [illegible] to be [illegible] [illegible], [illegible] [illegible] a woman or girl [illegible] [illegible] [illegible] brought up to [illegible] [illegible] the business of prostitution or [illegible] or [illegible] [illegible] [illegible] to [illegible] [illegible] the business of prostitution [illegible] [illegible] [illegible] which may [illegible] [illegible] [illegible] [illegible] which may [illegible] to give [illegible] [illegible] [illegible] [illegible].

11. Clause [illegible] [illegible] [illegible] [illegible] this [illegible] [illegible] [illegible] [illegible]

[illegible] tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

[illegible] the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person [illegible] in sub-section (1) of clause (a) [illegible] with the knowledge that such premises or any part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel; shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

[illegible] Notwithstanding anything contained in any other law for the time being in force, the owner or lessor, [illegible], in respect of which an order, issued or deemed to have been issued under clause (a) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or other [illegible].

11. Clauses 14 and 15.- In lieu renumbered clauses 14 and 15 as follows :-

"14. [illegible] on the ground of suspicion [illegible] authorised in this behalf [illegible] by special order. [illegible] without warrant any person committing in his view [illegible] sections 3,4,5 and 12 if the [illegible] of such person or [illegible] such police [illegible] and there, or [illegible] address and

993. Notwithstanding anything contained in any other [illegible] for the time being in force, any [illegible] officer authorized in this behalf by the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under sections 3,4,5 or 1. has been or is being committed, enter without a warrant any premises in which he has reason to believe that any person or gang is living in respect of who an offence punishable under section 2,4,5 or 1. has been committed.

13. Clause 16. We have redrafted clause 16 as follows:-

994. No court inferior to that of a Magistrate [illegible] of the first class could try offences under this Act.

14. We have redrafted the penal provisions, clause 20 as follows:-

995. The Government may make rules generally for carrying into effect the provisions of this Act and in particular:

(a) for the care, treatment, instruction and the maintenance of girls placed in a Home, Institution or Place of other suitable custody under this Act;

(b) for the establishment of girls under the provisions of section 1[illegible].

20. As there have been very many changes in the Bill, we recommend that it be republished.

GENERAL AND REVENUE SECRETARIAT,

Dated, Bangalore, 15th May 1936

No. P7583-93 / Gen

32

Dear Sir,

I am desired to forward herewith copy of the draft report of the Select Committee on the Suppression of brothels bill and to request you to return it with approval by the 20th instant.

Yours sincerely,

Secretary to the Committee.

Khan Bahadur
Mahomed Abbas Khan, Esq.,

Dear Sir,

I am returning herewith the draft report of the Select Committee duly approved

Yours Sincerely
Mohammed Abbas Khan

16th May 1936

[illegible] 108

of [illegible]

[illegible] the undersigned [illegible] the [illegible] [illegible] accident [illegible] [illegible] referred above [illegible] the [illegible] [illegible] [illegible]

5. We are of opinion that the Regulation should come into operation only when conditions suitable for its working exist in a particular area and the Government may be empowered to extend it to particular areas when they are satisfied that such conditions exist. In clauses 6,7 and 8 of the Bill as amended by us provision is made for rescuing girls from brothels and placing them in rescue homes. The establishment of rescue homes in a local area is therefore a condition precedent for the extension of these provisions to such area and we consider that it is necessary to insert a provision to this effect in the clause defining the 'Extent' of the Regulation. We have therefore recast clause 1 (b) as follows:-

"1 (b) The Government may from time to time by notification in the official Gazette apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification,

"provided that sections 6,7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area".

5. <u>Clause 2 (i)</u>. In the definition of "brothel" the word "habitually" should be inserted after the word "thereof" where it occurs a second time as the characteristic of a brothel is habitual use for purposes of prostitution.

(ii) Definitions of "place of public amusement" and "place of public entertainment" should

could be [illegible] as clauses [illegible] such cases the only clauses which they cover are proposed to be deleted.

(iii) In the definition of "protection" [illegible] "prosecution" should be substituted for "[illegible]".

(iv) In the definition of "[illegible]" [illegible] "[illegible]" [illegible] registrate of the first time will include [illegible] [illegible].

(v) In view of the provision in the "[illegible]" clause [illegible], the definition of "doc" as contained [illegible] should be omitted.

(vi) The following definition should be [illegible] the [illegible] [illegible]:-

"prescribed" means prescribed by rules made under this regulation.

6. Clause 3. The provision in the [illegible] in respect of [illegible] [illegible] [illegible]

[illegible] town or city" shall be from outside the "town" or from any other place within the "town". It is the taking from one place to another for the purposes of prostitution that is the essence of the offence. We have therefore included the phrase or [illegible]

"5. Any person who takes or attempts to take or a person to be taken from one place to another a woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any person or girl to carry on the business of prostitution could be punished with imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both.

10. Clause [illegible] The words "[illegible]" should be omitted as they are unnecessary. For the words "of a prostitute" the words "of prostitution" should be substituted, on the ground [illegible] defined.

11. Clause [illegible] We have redrafted [illegible] follows:-

"7. [illegible] girl who [illegible] shall be brought before a magistrate [illegible] juris-diction and such magistrate shall [illegible] be taken [illegible] under the age of 18 years, be [illegible] that such girl be placed until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a rescue home or a place or school recognised by the Government as a fit place for custody or recognised by the Government as a fit place for custody on the part. The act and to be stated in writing shall [illegible] shall not be [illegible] other than a relative of the girl or of a [illegible] relation, [illegible] from that of the girl.

12. Clause 15. We have redrafted [illegible] with some verbal alterations as follows:-

"8. Then a girl has been [illegible] or

or wrongfully taken or place of detention under the provisions of section 6, the police officer carrying out the arrest shall, as soon as such girl can be brought before a magistrate, cause her to be detained in a rescue home provided, either by the Government or in such other suitable custody other than a police station or jail as may be prescribed in this behalf by the Government, provided, however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl.

13. In the magistrate had power to order the detention of a minor girl in a rescue home or other suitable custody, it is necessary to confer on the person having such custody the power of a guardian over the minor girl. We recommend that the following clause be inserted as clause 7 in the place of section 17 of the Bill not 12 of 1925.-

"7. Notwithstanding anything contained in any other law, any person to whose custody a girl is committed by an order made under section 8 shall, while the order is in force, have the same control over the girl as is he were her parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her parent, or any other person."

14. Clause 11. This clause is taken as adapted from the Bombay Act is very elastic in working also a special procedure then for a thing out of place and it will cause difficulties in working. We consider that it will be sufficient and effective as we provide usual, for the case of unlawful act taking in a brothel we recommend in 6 sub-clause. We therefore as follows sub-clause (b) here, read as :-

"(b). Any person who induces a woman or girl against her will or induces for purposes of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to

extend to one thousand rupees or with both."

15. Clause 12. This clause is supplementary to sub-clause (ii) of clause 11 which has been a special provision. Since the special provision clause has been deleted, the majority of us are of opinion that clause 12 should also be deleted.

Messrs. [illegible], [illegible] Jacobs and [illegible] are of opinion that this clause should be [illegible] with a view to protect a woman rescued from [illegible] from any evil or criminal prosecution of the [illegible] or the brothel keeper in respect of any [illegible] in carry [illegible] or lent to her. The majority [illegible] considered that the ordinary law itself gives a [illegible] protection and no special provision is necessary. If [illegible], clothing or money have been given or lent to [illegible] or girl by the brothel keeper for carrying on the business of prostitution, the transaction is [illegible] under law and he cannot recover them back.

16. Clause 13. This clause has been very [illegible] worded - especially sub-clause (iii) for determination of the house. A simple provision entitling the [illegible] to determine the tenancy on conviction of the tenant [illegible] offence under this section would be sufficient. I have therefore redrafted this clause as follows :-

"13. (1) Any person who keeps or permits or acts or assists in the management of a brothel shall be punishable with imprisonment for a term which may extend to [illegible] or with fine which may extend to [illegible] or with both;

(d) Any person who,

(a) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person contracting under sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel; shall be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees or with both.

(5) Notwithstanding anything contained in any other law for the time being in force, the owner, lessor or agent, house, room or place, in respect of which the lessee, tenant or occupier has been convicted under clause (a) of sub-section (4) shall be entitled forthwith to eviction from lease, tenancy or occupation.

17. Clauses 14 and 15.- To have renumbered clauses 14 and 15 as follows :-

"12. Any police officer not below the rank of inspector or complaint, and any police officer authorised in this behalf by the District Superintendent of Police by general order, may arrest without a warrant any person committing in his view any offences punishable under sections 3,4,5 and 6 if the name and address of such person be unknown to such police officer and cannot be ascertained by him on the spot, or if he has reason to suspect that a false name and address have been given.

"13. Notwithstanding anything contained in any other law for the time being in force, only a Police Officer authorised in this behalf by the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under sections 3,4,5 or 10 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under section 3,4,5 or 10 has been committed".

18. Clause 16. We have redrafted clause 16 as follows:-

"14. No court inferior to that of a Stipendiary Magistrate of the first class shall try offences under Sections 3,4,5,10 and 11".

19. We have inserted the usual rule making clause as follows :-

"15. The Government may make rules generally for carrying into effect the provisions of this Regulation and in particular;

(a) for the care, treatment, instruction and the maintenance of girls placed in a Rescue Home or Shelter or other suitable custody under section 7;

(b) for the detention of girls under the provisions of Section 8".

20. As there have been very many changes in the Bill, we recommend that it be republished.

H Jafroned

Mohammed abbas khan

GENERAL AND LEGAL CONSULTANT. 12

No. P 7583-93 Dated, Bangalore, 10th May 1936.

Gen

Dear Sir,

I am desired to forward herewith copy of the draft report of the Select Committee on the Suppression of Brothels bill and to request you to return it with approval by the 20th instant.

Yours sincerely,

Secretary to the Committee.

F.A. Hamilton, Esq., C.S.E

Returned - approved

17. 5. 36

[illegible] THE [illegible] OF [illegible] THE [illegible] OF [illegible] THE [illegible] CLUB.

---

10. [illegible] the bill for the [illegible] of [illegible] that was referred also considered the bill of the meeting held on [illegible] 1,50 [illegible] 1936 [illegible] report.

2. [illegible] the bill should [illegible] with the [illegible] and [illegible] of [illegible] and [illegible] the bill to [illegible] ~~[illegible]~~.

3. [illegible] the [illegible] the [illegible] of the bill into [illegible] for [illegible] of [illegible] [illegible] as follows :-

[illegible] as follows :-

4. [illegible] the [illegible] should be [illegible] at the [illegible] it is [illegible].

5. We are of opinion that the Regulation should come into operation only when conditions suitable for its working exist in a particular area and the Government may be empowered to extend it to particular areas when they are satisfied that such conditions exist. In clauses 6,7 and 8 of the Bill as amended by us provision is made for rescuing girls from brothels and placing them in rescue homes. The establishment of rescue homes in a local area is therefore a condition precedent for the extension of these provisions to such area and we consider that it is necessary to insert a provision to this effect in the clause defining the 'Extent' of the Regulation. We have therefore recast clause 1 (b) as follows:-

"1 (b) The Government may from time to time by notification in the official Gazette apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification.

"Provided that sections 6,7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area".

5. <u>Clause 2 (i)</u>. In the definition of "brothel" the word "habitually" should be inserted after the word "thereof" where it occurs a second time as the characteristic of a brothel is habitual use for purposes of prostitution.

(ii) Definitions of "place of public amusement" and "place of public entertainment" should

should be omitted as clauses 4 and 5 which are the only clauses wherein they occur are proposed to be deleted.

(iii) In the definition of "prostitution" the word "promiscuous" should be substituted for "indiscriminate".

(iv) In the definition of "magistrate" the words "a City Magistrate or" could be omitted as a stipendiary magistrate of the first class will include a City Magistrate.

(v) In view of the provision in the "certified houses" regulation, the definition of "boy" is unnecessary and should be omitted.

(vi) The following definition should be added at the end of clause 2 :-

"'prescribed' means prescribed by rules made under this regulation."

6. Clause 3. The provision in the Bill in respect of solicitation has been taken from the Police Act which is an enactment specially applicable to the City of Sydney which has its own peculiar problems and difficulties in the matter. The clause is somewhat elaborate and there will be practical difficulties in its operation in practice. We are of opinion that it is only where solicitation becomes an annoyance or nuisance, or affends against public decency, that it should be prohibited. We therefore recommend the clause may be amended as follows :-

"3. Whoever,

(1) In any street or public place, solicits any person for the purpose of prostitution, is guilty of an offence

to cause distraction [illegible] or to the residents or passengers or to offend against public decency, or

(b) frequent such street or public place, for the purpose of prostitution or of solicitation [illegible] to constitute a nuisance, or to offend against public decency shall be punished with imprisonment for a term not [illegible] exceed to be [illegible] or with fine which may extend to two hundred rupees or with both."

7. Clauses 4 and 5. [illegible] main purpose of the Bill is confined to suppression of brothels [illegible] treatise is [illegible] and [illegible], it does not [illegible] necessary to deal with [illegible] relating to them. Clauses 4 and 5 are [illegible] further that are very wide and vague as it were, [illegible] suppression of prostitution which is not the object of the present Bill. Further, the offences as [illegible] in the clauses are difficult of proof and open [illegible] circumstantial evidence and [illegible]. [illegible] seems to be reasonable that clauses 4 and 5 be [illegible] and the subsequent clauses be renumbered.

8. Clause 6. We have amended this clause as follows to make it more clear :-

"Any person who [illegible] or [illegible] from any place [illegible] for the purpose of prostitution, [illegible] of or frequent [illegible], shall be punished [illegible] imprisonment which may extend to [illegible], or with fine which may extend to [illegible] rupees or with both."

9. Clause 7. The wording of this clause is vague. It is not clear what is meant by "bringing into village or

or town or city shorter from outside the town or from any other place within the State. It is the taking from one place to another for the purpose of prostitution that is the essence of this offence.

We have therefore defined the offence as follows:-

10. Any person who takes or attempts or does or causes to be taken from one place to another any woman or girl with a view to her carrying on or being taught or to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution shall be punishable with imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both.

11. Clause [illegible] The words "procures" and "procurement" should be omitted as they are unnecessary. For the words "of a prostitute" the words "of prostitution" should be substituted, as the latter is more defined.

12. Clause [illegible] We have recommended the following:-

(1) Girl who has not attained the age of 16 shall be brought before a magistrate [illegible] Juvenile Courts and such magistrate shall make such inquiry as he thinks fit and if satisfied that the girl is under the age of 16 years, he shall order that such girl be placed until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a school or place approved or established by the Government or in such other custody as the court, in accordance with the statute, may shall consider [illegible] provided that such custody shall not be that of a person other than a relative of the girl or of a person of different religious persuasion from that of the girl.

12. Clause 12. We have recommended the following with some verbal alterations as follows:-

(2) Where a girl has been removed from her parental or

or discreetly house or place of confinement. Under the provisions of section 6, the police officer carrying out the rescue shall, until such girl can be brought before a magistrate cause her to be retained in a rescue home provided, rented, or leased by the Government or in such other suitable custody other than a police station or jail as may be prescribed in this behalf by the Government, provided, however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl.

13. As the magistrate has power to order the detention of a minor girl in a rescue home or other suitable custody, it is necessary to confer on the persons having such custody the powers of a guardian over the minor girl. It is recommended that the following clause be inserted as clause 9 on the lines of section 7 of the Bengal Act VI of 1922.-

"9. Notwithstanding anything contained in any other law, any person to whose custody a girl is committed by an order made under section 8, shall, while the order is in force, have the same control over the girl as if he were her parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her parent, or any other person."

14. Clause 11. This clause is not in the nature of a very drastic provision, but a special presumption has been laid out in order that it will cause difficulties in working. It is considered that it will be sufficient and effective if we provide merely for the case of wilful detention and instead of reference to a sub-clause in the second line, sub-clause (1) from that clause.

"11. Any person who detains any minor girl against her will in a brothel for purposes of prostitution, shall be punishable with imprisonment which may extend to two years or with fine which may extend to

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extend to one thousand rupees or with both."

15. Clause 12. This clause is supplementary to sub-clause (ii) of clause 11 which lays down a special presumption. Since the special presumption clause has been deleted, the majority of us are of opinion that clause 12 should also be deleted.

Messrs. [illegible], [illegible] Sarappa and [illegible] Venkatachar are of opinion that this clause should be retained with a view to protect a person accused from [illegible] civil or criminal proceedings at the instance of the Central Govt. in respect of any goods, [illegible] money, livestock or land to pay. They [illegible] contended that the ordinary law itself gives adequate protection and no special provision is necessary. As regards, clothing or coins, have been given so that the [illegible] provided by the Central Govt. for carrying on the business of precious stones, the transaction is already [illegible] and do cannot recover their loss.

16. Clause 13. This clause has been very elaborately drafted - especially sub-clause 'iii' for determination of the issue. A simple provision entitling the Govt. to determine the tender in contravention of the [illegible] of offence under this section would be sufficient. We have therefore redrafted this clause as follows :-

"11. (1) Any person who keeps or [illegible] or [illegible] contrary to the provisions of a Central Govt. [illegible] applicable thereto [illegible] period of [illegible] which may extend to one thousand rupees or with both.

(2) any person who,

(a) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, let the same, or any part thereof, to any person convicted under sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel; shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lease, tenant or occupier thereof has been convicted under clause (a) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation.

17. Clauses 14 and 15.- We have redrafted clauses 14 and 15 as follows :-

"14. Any Police Officer (not below the rank of Inspector) on complaint, and any Police Officer authorised in this behalf by the District Superintendent of Police by general order, may arrest without a warrant any person committing in his view any offences punishable under sections 3,4,5 and 7 if the name and address of such person be unknown to such Police Officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name or address has been given.

"13. Notwithstanding anything contained in any other law for the time being in force, only a Police Officer authorised in this behalf by the District Superintendent of Police may for the purpose of ascertaining whether an offence punishable under section 3,4,9 or 10 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any person or girl is living in respect of whom an offence punishable under section 3,4,9 or 10 has been committed".

10. Clause 16. We have redrafted clause 16 as follows:-

"14. No court inferior to that of a Magistrate of the first class shall try offences under sections 3,4,5,6 and 11 .

11. We have inserted the usual rule making clause as follows :-

"15. The Government may make rules generally for carrying into effect the provisions of this Legislation and in particular;

(a) for the care, treatment, instruction and the maintenance of girls placed in a Rescue Home or Home or other suitable custody under section 7;

(b) for the detention of girls under the provisions of section 8".

12. As there have been very many changes in the Bill, we recommend that it be republished.

RAJASABHABHUSHANA, DEWAN BAHADUR
K. R. SRINIVASIENGAR
RETIRED MEMBER OF COUNCIL

FIFTH ROAD, CHAMARAJAPET

Bangalore City, 19/5/36

Sir

Dear Sir

I have with return with my approval the draft report of the Select committee on the Tappuvasami of Brothers Bill sent by you with your letter No 7583-93 of 15th ult.

Yours truly
K R Srinivasiengar

To
The Secretary to the Select Committee
The Legislative Council

Approved 19/7/36

[illegible]

[illegible] of the Select committee

[illegible] to which the [illegible] [illegible] 1936 [illegible]

[illegible]

[illegible] the bill [illegible] [illegible] and [illegible] [illegible] [illegible]

Approved 19/7/36

[illegible] CHECKING [illegible]

of the [illegible] Bombs.

[illegible] the [illegible] of the Select committee to [illegible] the bill for the suppression of [illegible] and [illegible] referred [illegible] considered the [illegible] of the meetings held on 17th March [illegible] and [illegible] 1936 [illegible] the bill and [illegible] to [illegible] the report.

2. [illegible] after the bill should deal mainly with the [illegible] and [illegible] of suppression of [illegible] and of [illegible] traffic and have made [illegible] in the bill to [illegible] ~~[illegible]~~

~~[illegible]~~

3. In this view [illegible] the bill into [illegible] for the suppression of [illegible] and [illegible] the [illegible] [illegible] as follows :-

[illegible] the suppression of [illegible] and [illegible] traffic as the [illegible] [illegible] be [illegible] as follows :-

4. Clause 1 (2). The word [illegible] should be omitted as the [illegible] it is [illegible].

5. We are of opinion that the Regulation should come into operation only when conditions suitable for its working exist in a particular area and the Government may be empowered to extend it to particular areas when they are satisfied that such conditions exist. In clauses 6,7 and 8 of the Bill as amended by us provision is made for rescuing girls from brothels and placing them in ~~xxxxx~~ rescue homes. The establishment of rescue homes in a local area is therefore a condition precedent for the extension of these provisions to such area and we consider that it is necessary to insert a provision to this effect in the clause defining the 'Extent' of the Regulation. We have therefore recast clause 1 (b) as follows:-

"1 (b) The Government may from time to time by notification in the official Gazette apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification.

"Provided that sections 6,7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area".

5. <u>Clause 2 (i)</u>. In the definition of "brothel" the word "habitually" should be inserted after the word "thereof" where it occurs a second time as the characteristic of a brothel is habitual use for purposes of prostitution.

(ii) Definitions of "place of public amusement" and "place of public entertainment" should

should be omitted as clauses 4 and 5 which are the only clauses wherein they occur are proposed to be deleted.

(iii) In the definition of "prostitution" the word "promiscuous" should be substituted for "indiscriminate".

(iv) In the definition of "magistrate" the words "City Magistrate or" should be omitted as a Stipendiary Magistrate of the first class will include a City Magistrate.

(v) In view of the provision in the "general issues" regulation, the definition of "bar" is unnecessary and should be omitted.

(vi) The following definition should be added at the end of clause 2 :-

"prescribed" means prescribed by rules made under this regulation.

6. Clause 3. The provision in the Bill in respect of solicitation has been taken from the policy of which is an enactment specially applicable to the City of Bombay which has its own peculiar problems and difficulties in the matter. The clause is somewhat elaborate and there will be practical difficulties in its operation in future. We are of opinion that it is only where solicitation becomes an annoyance or nuisance, or offends against public decency, that it should be penalised. We therefore recommend the clause may be amended as follows :-

"3. Whoever,

(1) in any street or public place, solicits any person for the purpose of prostitution, in such manner as to

to cause obstruction or danger to the residents or passers-by or to offend against public decency, or

(i) frequents any street or public place, for the purpose of prostitution or of solicitation (or so to constitute a nuisance, or to offend against public decency) shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to fifty dollars or with both."

7. Clauses 4 and 5. As the main purpose of the Bill is confined to suppression of brothels and street traffic in women and girls, it does not appear to be necessary to deal with situations other than those specified in them. Clauses 4 and 5 are adapted from the Act of New Zealand, but are not so at home, as the suppression of prostitution which is not the objective of the present Bill. Further, the offences to which the Bill applies are difficult of proof and depend mostly on circumstantial evidence and police prosecutions. It seems advisable to reconsider the Bill in order to see if the subsequent clauses be amendered.

8. Clause 6. We have amended this clause so as to make it more clear :-

"Any person who knowingly allows a house or part of a house or place which is under his control, to be used for the purpose of prostitution, shall be guilty of an offence and liable to imprisonment without the option of a fine, or with fine which may extend to five hundred dollars or with both."

9. Clause 7. The wording of this clause is vague. It is not clear what is meant by "bringing into" a house or

[illegible] town or city" whether from outside the [illegible] or from any other place within the State. [illegible] the taking from one place to another for the business of prostitution that is the concern of [illegible] we have [illegible] under the clause [illegible]:-

"3. Any person who takes or causes to be taken from one place to another any woman or girl with a view to her carrying on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both."

13. Clauses [illegible] the words "[illegible] under this section" should be omitted as they are unnecessary, or the words "of a prostitute" the words "of prostitution" should be substituted, as the Act [illegible] have defined.

14. Clause [illegible] We have redrafted it [illegible] as follows:-

"7. [illegible] section 6 shall be brought before a [illegible] Magistrate having local jurisdiction and such Magistrate shall, after [illegible] necessary to be taken and [illegible] as he shall in under the age of 18 years, be [illegible] that such girl be placed until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a secure home, [illegible] or aided or recognised by the Government or in such other custody as the Court, [illegible] Act, may direct. Provided that nothing shall contained [illegible] shall not be [illegible] of a person other than a relative of the girl or of a [illegible] sufficient religious persuasion from that of the girl."

15. Clause 14. We have redrafted this with some verbal alterations as follows :-

"8. When a girl has been removed from a brothel or

or otherwise, shall be placed in such custody under the provisions of section 6, for police offences generally, but the accused shall, until such girl can be brought before a magistrate, be kept in a rescue home provided, radopt, or recognised by the Government or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided, however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl.

13. In the magistrate has power to order the detention of a minor girl in a rescue home or other suitable custody, it is necessary to order as to the person having such custody the power of guardian over the minor girl. It is recommended that the following clause be inserted as clause 7 in the line of section 1) of the girls act 'X' of 1927.-

"7. Notwithstanding anything contained in any other law, any person to whom custody of a girl is committed by an order made under section 6 shall, while the order is in force, have the last control over the girl as if he were her parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her parent, or any other person."

14. Clause 11. This clause is an exception from the hushing not so very clear to reason, also a special presumption has to be made out in which case it will cause difficulties in trial. I consider that it will be efficient and effective if we provide merely for the case of minors out of the protection to rescue home in the subsection. In the present in following subsection it may be inserted:-

"11. Any person who detains any woman or girl against her will in a brothel for the purpose of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to

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extend to one thousand rupees or with both."

19. Clause 12. This clause is supplementary to sub-clause (ii) of clause 11 which lays down a general prohibition. Upon the general prohibition clause being deleted, the majority of us are of opinion that clause 12 should also be deleted.

Messrs. L.C. Mallesgar, P.C. Scopps and [illegible] Manohar are of opinion that this clause should be retained with a view to protect a woman rescued from a brothel from any civil or criminal proceedings at the instance of the brothel keeper in respect of any jewels, clothing or money given or lent to her. They [illegible] are concerned that the ordinary law itself gives adequate protection and no special provision is necessary. If jewels, clothing or money have been given or lent to a woman or girl by the brothel keeper for corruption or the purpose of prostitution, the prosecution is warranted under law and be enough recover them back.

20. Clause 13. This clause has been very elaborately worded - especially sub-clause (iii) for determination of the issue. A simple provision entitling the keeper to determine the trade or occupation of the [illegible] of an offender under this section could be sufficient. We have therefore redrafted this clause as follows :-

"13. (1) Any person who [illegible] notice or [illegible] complaint that the management of a brothel will be prejudiced with an application which may extend to two years or [illegible] extend to one thousand rupees or with both.

any person who,

(a) being the tenant, lessee, occupier, or person in charge of any premises, knowingly allows such premises or any part thereof to be used as a brothel, or

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessee, tenant or occupier thereof has been convicted under clause (a) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation."

17. Clauses 14 and 15.- We move respectively clauses 14 and 15 as follows :-

"12. Any police officer not below the rank of inspector or constable, and any police officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under sections 3,4,5 and 6. If the name and address of such person be unknown to such police officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.

"13. Notwithstanding anything contained in any other law for the time being in force, any police officer authorised in writing by the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under sections 3,4,5 or 10 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living as a result of such an offence punishable under section 3,4,5 or 10 has been committed".

10. Clause 16. We have redrafted clause 16 as follows:-

"14. No court inferior to that of a Magistrate of the first class shall try offences under sections 3,4,5,10 and 13".

11. We have inserted the usual rule making clause as follows :-

"15. The Government may make rules generally for carrying into effect the provisions of this Legislation and in particular:

(a) for the care, treatment, instruction and the maintenance of girls placed in a female home or home or other suitable institution under section 7;

(b) for the detention of girls under the provisions of section 9.

12. As there have been very many changes in the Bill, we recommend that it be republished.

D. V. GUNDAPPA

BASAVANGUDI P. O.
BANGALORE CITY.
(SOUTH INDIA)

7157/p835

20th May 1936.

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The Secretary,
Mysore Legislative Council,
Bangalore.

Sir,

In reply to your communication No. P7583-93 of the 15th, I beg hereby to convey ~~the~~ approval of the draft report of the Select Committee on the Suppression of Brothels Bill. The report copy sent me is returned with this

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In one or two places in the draft report I have marked what perhaps are clerical errors.

Yours faithfully

D. Gulabba

Member Select Committee on the Suppression of Brothels Bill Imperial Legislative Council

[illegible] [illegible] [illegible] [illegible]
of [illegible] [illegible] [illegible].

---

2. The undersigned [illegible] to [illegible] the Bill for the suppression of [illegible] traffic has referred have considered the Bill at the meeting held on 27th March 1936 and [illegible] to submit herewith our report.

3. The Committee consider that the Bill should deal mainly with the two connected questions of suppression of brothels and immoral traffic and have made [illegible] in the Bill to bring this out more clearly. ~~[illegible] not necessary.~~

4. In this view we have altered the wording of the Bill into "Bill for the suppression of brothels and immoral traffic" and altered the preamble as follows:-

"Whereas it is expedient to make provision for the suppression of brothels and immoral traffic in the Queen Mary; it is hereby enacted as follows:-"

4. Clause 1 (2). The word "Queen" should be omitted in the other [illegible] as it is [illegible].

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5. We are of opinion that the Regulation should come into operation only when conditions suitable for its working exist in a particular area and the Government may be empowered to extend it to particular areas when they are satisfied that such conditions exist. In clauses 6,7 and 8 of the Bill as amended by us provision is made for rescuing girls from brothels and placing them in ~~xxxxx~~ rescue homes. The establishment of rescue homes in a local area is therefore a condition precedent for the extension of these provisions to such area and we consider that it is necessary to insert a provision to this effect in the clause defining the 'Extent' of the Regulation. We have therefore recast clause 1 (b) as follows:-

"1 (b) The Government may from time to time by notification in the official Gazette apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification,

"Provided that sections 6,7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area".

5. Clause 2 (i). In the definition of "brothel" the word "habitually" should be inserted after the word "thereof" where it occurs a second time as the characteristic of a brothel is habitual use for purposes of prostitution.

(ii) Definitions of "place of public amusement" and "place of public entertainment" should

should be omitted as clauses 4 and 5 which are the only clauses wherein they occur are proposed to be deleted.

(iii) In the definition of "prostitution" the word "promiscuous" should be substituted for "indiscriminate".

(iv) In the definition of "Magistrate" the words "a City Magistrate or" should be omitted as a stipendiary magistrate of the First Class will include a City Magistrate.

(v) In view of the provision in the General Clauses Regulation, the definition of "he" is unnecessary and should be omitted.

(vi) The following definition should be added at the end of clause 2 :-

"Prescribed" means prescribed by rules made under this Regulation.

6. Clause 3. The provision in the Bill in respect of solicitation has been taken from the Bombay Act which is an enactment specially applicable to the City of Bombay which has its own peculiar problems and difficulties in the matter. The clause is somewhat elaborate and there will be practical difficulties in its operation in Mysore. We are of opinion that it is only where solicitation becomes an annoyance or nuisance, or offends against public decency, that it should be penalised. We therefore recommend the clause may be amended as follows :-

"3. Whoever,

(1) in any street or public place, solicits any person for the purpose of prostitution, in such manner as to

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to cause obstruction, annoyance or danger to the residents or passengers or to offence against public decency, or

(2) frequents any street or public place, for the purpose of prostitution or of solicitation so as to constitute a nuisance, or to offend against public decency shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both."

7. Clauses 4 and 5. As the title of the Bill is confined to suppression of brothels and immoral traffic in women and girls, it does not seem to be necessary to deal with offences other than those relating to them. Clauses 4 and 5 which are adopted from the Madras Act are very much wide as it seems, of the suppression of prostitution which is not the object of the present Bill. Further, the offences as described in the clauses are difficult of proof and depend mostly on circumstantial evidence and special prosecution. For these reasons we recommend that clauses 4 and 5 be deleted and the subsequent clauses be renumbered.

New Cl. 4

8. Clause 6. We have amended this clause as follows to make it more clear :-

"4. Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or with both."

9. Clause 7. The wording of this clause is vague. It is not clear what is meant by "bringing into any village or

or town or city" whether from outside the State or from any other place within the State. It is the taking from one place to another for the business of prostitution that is the essence of this offence. We have therefore amended the clause as follows :-

"5. Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any women or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both".

10. Clause 8. The words "empowered under this Regulation" should be omitted as they are unnecessary. For the words "of a prostitute" the words "of prostitution" should be substituted, as the latter has been defined.

11. Clause 9. We have redrafted clause 9 as follows:-

"7. A girl who has been removed under section 6 shall be brought before a magistrate having local jurisdiction and such magistrate shall make such inquiry as he thinks fit and if satisfied that the girl is under the age of 18 years, he may make an order that such girl be placed until she attains the a e of 21 years or for any shorter period, under such conditions as may be prescribed, in a rescue home provided or aided or recognised by the Government or in such other custody as the Court, for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or of a body of a different religious persuasion from that of the girl."

12. Clause 10. We have recast this clause with some verbal alterations as follows :-

"8. When a girl has been removed from a brothel or

or disorderly house or place of association under the provisions of section 6, the police officer carrying out the arrest shall, until such girl can be brought before a magistrate cause her to be detained in a rescue home provided, rescued, or rescued by the Government or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided, however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl.

13. As the magistrate has power to order the detention of a minor girl in a rescue home or other suitable custody, it is necessary to confer on the person having such custody the powers of a guardian over the minor girl. We recommend that the following clause be inserted as clause , on the lines of section 1, of the Act of 1912 or 1913.-

"1. Notwithstanding anything contained in any other law, any person to whom custody of a girl is committed by an order made under section 5 shall, while the order is in force, have the like control over the girl as if he were her parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her parent, or any other person."

14. Clause 11. This clause which has been adopted from the Bombay Act is very elaborate, requiring also a special presumption for a thing out of offence and it will cause difficulties in working. We consider that it will be sufficient and effective if we provide merely for the case of unlawful detention in a brothel. We therefore in the sub-clause, to be inserted as follows, sub-clause (1) being omitted :-

"(1). Any person who detains any woman or girl against her will in a brothel for purposes of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to

extend to one thousand rupees or with both."

15. Clause 12. This clause is supplementary to sub-clause (b) of clause 11 which has been a special punishment. Hence the special prosecution clause has been deleted. The majority of us are of opinion that clause 12 should also be deleted.

Messrs. [illegible], [illegible], [illegible] and [illegible] are of opinion that this clause should be retained with a view to protect a woman possessing less a lethal than any civil or criminal proceedings at the instance the central begins in respect of any jewels, clothing or money given or lent to her. The majority however consider that the ordinary law itself gives sufficient protection and no special provision is necessary. Jewels, clothing or money have been given or lent to a woman only by the central origin for carrying on the business or organisation, the destruction is unlawful under ordinary law and they cannot recover them back.

16. Clause 13. This clause has been very elaborately worded - especially sub-clause "iii" for determination of the issue. A simple provision entitling the issuer to determine the tenure of occupation of the tenant of an offence under this section would be sufficient. We have therefore redrafted this clause as follows :-

"11. (1) Any person who keeps or [illegible] or sells or exhibits obscene in the management of a hotel shall be punished with imprisonment which may extend to two years in addition and may extend to one thousand rupees or with both;

(2) any person who,

being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person knowing that such premises or some part thereof are or to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel; shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law, the time being in force, the owner or lessor of a house, room or place, in respect of which the occupier, tenant or occupier thereof has been convicted under clause (a) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation.

17. Clauses 14 and 15.- We have redrafted clauses 14 and 15 as follows :-

"12. Any police officer (not below the rank of Inspector) or complainant, and any other officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under sections 3,4,5 and 11 if the name and address of such person is unknown to such police officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.

What will be the correct procedure if the real name of the person is known? I suppose the usual one of getting a warrant duly issued by a magistrate and then arresting the person on the authority of that warrant.

13. Notwithstanding anything contained in any other law for the time being in force, any police officer authorised in this behalf by the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under sections 3,4,5 or 10 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in pursuance of such an offence punishable under section 3,4,5 or 10 has been committed.

Clause 16. We have redrafted clause 16 as follows:-

"14. No court inferior to that of a Stipendiary Magistrate of the first class shall try offences under sections 3,4,5,10 and 11".

17. We have to retain the final sub-section, clause as follows:-

"15. The Government may make rules generally for carrying into effect the provisions of this Regulation and in particular:

(a) for the care, treatment, instruction and the maintenance of girls placed in a rescue home or homes or with relatives or body under control;

(b) for the detention of girls under the provisions of section 4".

18. As there have been very many changes in the Bill, we recommend that it be republished.

Gnudaffa

20 5 1936.

7155 835

[illegible]

[illegible], 18th May 1936.

P 7583/93

Sir,

I am directed to forward herewith copy of the draft report of the Select Committee on the Suppression of Brothels Bill, and to request you to return it with approval by the end of June next.

21 MAY 1936

Yours sincerely,

Secretary to the Committee.

DEPUTY COMMISSIONER'S OFFICE
16 MAY 1936
No. 10-737
BANGALORE DIST.

H.V. Ramasvami, Esq., M.A., B.L.,

immediate

1832

N.J. 35/36

Approved - and returned herewith — [illegible]

H.V. Ramasvami
20 5. 36

[illegible]

[illegible] the suppression of immoral traffic act.

[illegible] the two committees [illegible] to which the bill for the suppression of immoral traffic act and [illegible] have considered the bill at the meetings held on 5th March 1936 and 6th [illegible] 1936 respectively and [illegible] the [illegible] immoral traffic act.

2. The committee are of opinion that the bill should deal [illegible] with the two connected questions of the suppression of brothels and immoral traffic and both code criminal offences in the bill to wit, this and [illegible] ~~[illegible]~~ ~~[illegible]~~.

3. In this view we have altered the wording of the bill into "bill for the suppression of brothels and immoral traffic" and also [illegible] as follows:-

"Whereas it is expedient to make provision for the suppression of brothels and immoral traffic in the [illegible] it is hereby enacted as follows:-"

4. Clause 1 (2). The word "[illegible]" should be added in the short title as it is [illegible].

5. We are of opinion that the Regulation should come into operation only when conditions suitable for its working exist in a particular area and the Government may be empowered to extend it to particular areas when they are satisfied that such conditions exist. In clauses 6,7 and 8 of the Bill as amended by us provision is made for rescuing girls from brothels and placing them in rescue homes. The establishment of rescue homes in a local area is therefore a condition precedent for the extension of these provisions to that area and we consider that it is necessary to insert a provision to this effect in the clause defining the 'extent' of the Regulation. We have therefore redrafted clause 1 (b) as follows:-

"1 (b) The Government may from time to time by notification in the official Gazette apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification.

"Provided that sections 6,7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area".

5. <u>Clause 2 (i)</u>. In the definition of "brothel" the word "habitually" should be inserted after the word "thereof" where it occurs a second time as the characteristic of a brothel is habitual use for purposes of prostitution.

(ii) Definitions of "place of public amusement" and "place of public entertainment" should

should be [illegible] of [illegible] 4 and 5 which are the only clauses which they cause the proposed to be deleted.

(iii) In the definition of "prostitution" the word "promiscuous" should be substituted for "indiscriminate".

(iv) In the definition of "[illegible]" the words "a [illegible] [illegible] [illegible]

to make obscene gestures or songs to the residents or bystanders or to offend against public decency, or

(b) procure any person or young person, for the purpose of prostitution or of solicitation or to commit a nuisance, or to offend against public decency shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both."

1. Clauses 4 and 5. As the main purpose of the bill is confined to suppression of brothels and immoral traffic in women and girls, it does not appear to be necessary to make differences which have been existing in their treatment really and largely depended upon the number of inmates and size of the house, of the suppression of prostitution which is not the object of the present bill. Further, the offences enumerated in the clauses are difficult of proof and depend mostly on circumstantial evidence and inference. In these circumstances the clauses may be deleted and the amendment clauses be considered.

Clause 6. We have amended this clause as follows to make it more clear :-

"If person has assisted a woman or girl to go from any place with intent that she may, for the purpose of prostitution, become the inmate of or frequent a brothel, shall be punishable imprisonment which may extend to two years, or fine which may extend to five hundred rupees or with both."

Clause 7. The wording of this clause is vague. It is not clear what is meant by "frequenting any village

Korea or city, either from outside the state or from any other place within the State. It is the taking from one place to another for the business of prostitution that is the essence of this offence.

To serve the necessary purpose we propose as follows:-

"[illegible]. Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with their consent or otherwise brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to ten years or with fine which may extend to five hundred rupees or with both."

16. [illegible] The words mentioned under this section shall be omitted as they are unnecessary. For the words of a prostitute the words of prostitution should be substituted, and the latter has been defined.

17. Clause [illegible] We have redrafted clause [illegible] as follows:-

"[illegible]. Girl who has not [illegible] shall be [illegible] by a Magistrate having local jurisdiction and such Magistrate shall make such inquiry as he thinks fit and if satisfied that the girl is under the age of 16 years, he may make an order that such girl be placed until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a rescue home provided or aided by Government or in such other custody as the Magistrate to be stated in writing shall consider suitable, provided that such custody shall not be [illegible] under the relative of the girl or of any [illegible] relative or person from out of the Girl."

12. Clause [illegible] We have recast this clause with some verbal alterations as follows:-

"[illegible] the girl has been removed from a brothel or

[illegible] under [illegible] section 6, the police officer may [illegible] child can be [illegible] to a reformatory school to be retained in a reformatory school, school, or used as may be [illegible] by the [illegible] or in such other suitable custody other than a gaol or station or lock-up to be prescribed by the Government, provided, however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl.

12. In the [illegible] school to which the [illegible] of a school girl is a school [illegible] or other [illegible] school, it is [illegible] that after on the [illegible] being such school the power of a [illegible] over the school girl. [illegible] the following [illegible] or [illegible] to [illegible] the lines of section

[illegible] that the [illegible] by any [illegible] a girl is [illegible] by an order under section [illegible] shall, while the order is in force, have the control over the girl as if he were her father [illegible] shall be responsible for her maintenance and protection and the girl such punishment in his custody not [illegible] that can be inflicted by her parent, or by other persons.

14. Section 11. This section may be adopted from the [illegible] of a very [illegible] section, also a [illegible] provision for taking out an offence and at [illegible] difficulties in [illegible] consider that it will be sufficient and effective as we provide [illegible]. Nevertheless [illegible] a protocol [illegible] that [illegible] be [illegible] as follows.

[illegible] person who [illegible] a girl [illegible] for the purpose of prostitution, shall be punished with imprisonment which may extend to [illegible] or with fine which may extend to

extend to one thousand rupees or with both."

15. Clause 14. This clause is supplementary to sub-clause (ii) of clause 11 which lays down a special presumption. Since the special presumption clause has been accepted, the validity of any one of which that clause is capable can be doubted.

Messrs. A. V. Gallappa, B. V. Keeppa and . Ramachandra are of opinion that this clause should be retained with a view to protect a person forced from a brothel receiving naval or criminal proceedings at the instance of the brothel keeper in respect of any jewels, clothing or money given or lent to her. The majority however were inclined that the ordinary law itself gives a sufficient protection and no special provision is necessary. If jewels, clothing or money have been given on lent to a woman it will be the criminal duty for carrying on the business of prostitution, the transaction is unlawful under law and he cannot recover thereby.

16. Clause 15. This clause has been very elaborately worded - especially sub-clause (iii) for determination of the issue. A simple provision enabling the issuer to determine the tendency to conviction of the ~~trying~~ offence under this section would be sufficient. A brief Government redrafted this clause as follows :-

"11. (1) Any person who accepts or attempts or ~~xxxxxxxx~~ consents to the management of a brothel shall be punishable with imprisonment which may extend to one thousand rupees or with both;

(a) any person who,

being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessor, tenant or occupier thereof has been convicted under clause (a) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation."

17. Clauses 13 and 15.- We have redrafted clauses 13 and 15 as follows :-

"13. Any police officer not below the rank of inspector or sub-inspector, and any police officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offence punishable under sections 3,4,5 and 7 if the name and address of such person be unknown to such police officer, and cannot be ascertained by enquiry and there, or at an address to suspect that a false name and address has been given."

"(13). Notwithstanding anything contained in any other law, the time being in force, any police officer authorised in writing by the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under sections 3,4,5 or 16 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any person or girl is lurking in pursuance of any offence punishable under section 3,4,5 or 16 has been committed".

3 Clause 16. is hereby redrafted as follows:-

"14. No court inferior to that of a stipendiary magistrate of the first class shall try offences under sections 3,4,5 and 16".

4. Clause 17 is hereby redrafted as follows

"17. The Government may make rules generally for carrying into effect the provisions of this Regulation and in particular:

(a) for the care, treatment, instruction and the maintenance of girls placed in a Rescue Home or Home or other suitable institution under Section 7;

(b) for the detention in Girls Home under the provisions of section 8".

5. As there have been very many changes in the Bill, we recommend that it be republished.

Approved with
Referred with
amendments
Mysore Gazette
20 5 1936

7158
83 P 835

SELECT COMMITTEE REPORT ON THE SUPPRESSION of IMMORAL TRAFFIC BILL.

We, the undersigned members to which the Bill for the suppression of immoral traffic was referred have considered the Bill at the meetings held on 27th March 1936 and 6th May 1936 and have now the honour to submit this, our report.

2. The Committee consider that the bill should deal mainly with the two connected questions of suppression of brothels and of immoral traffic and have made suitable changes in the bill to bring this out more clearly, ~~and made such suitable changes as were considered necessary~~.

3. In this view we have altered the heading of the bill into "Bill for the suppression of brothels and immoral traffic" and altered the preamble as follows :-

"Whereas it is expedient to make provision for the suppression of brothels and immoral traffic in the Mysore State; it is hereby enacted as follows :-"

4. Clause 1 (a). The word "Mysore" should be omitted in the short title as it is unnecessary.

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5. We are of opinion that the Regulation should come into operation only when conditions suitable for its working exist in a particular area and the Government may be empowered to extend it to particular areas when they are satisfied that such conditions exist. In clauses 6,7 and 8 of the Bill as amended by us provision is made for rescuing girls from brothels and placing them in rescue homes. The establishment of rescue homes in a local area is therefore a condition precedent for the extension of these provisions to such area and we consider that it is necessary to insert a provision to this effect in the clause defining the 'Extent' of the Regulation. We have therefore recast clause 1 (b) as follows:-

"1 (b) The Government may from time to time by notification in the official Gazette apply all or any of the provisions of this Regulation to the Whol or any portion of Mysore from such date as may be specified in the notification, and may cancel or modify any such notification

"Provided that sections 6,7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area"

5. <u>Clause 2 (i)</u>. In the definition of "brothel" the word "Habitually" should be inserted after the word "thereof" where it occurs a second time as the characteristic of a brothel is habitual use for purposes of prostitution.

(ii) Definitions of " place of public amusement and place of public entertainment" should

should be omitted as clauses 4 and 5 which are the only clauses wherein they occur are proposed to be deleted.

(iii) In the definition of "prostitution" the word "promiscuous" should be substituted for "indiscriminate".

(iv) In the definition of "Magistrate" the words "a City Magistrate or " should be omitted as a stipendiary magistrate of the First Class will include a City Magistrate.

(v) In view of the provision in the General Clauses Regulation, the definition of "he" is unnecessary and should be omitted.

(vi) The following definition should be added at the end of clause 2 :-

"Prescribed" means prescribed by rules made under this Regulation.

6. Clause 3. The provision in the Bill in respect of solicitation has been taken from the Bombay Act which is an enactment specially applicable to the City of Bombay which has its own peculiar problems and difficulties in matter. The clause is somewhat elaborate and there will be practical difficulties in its operation in Mysore. We are of opinion that it is only where solicitation becomes an annoyance or nuisance, or offends against public decency, that it should be penalised. We therefore recommend the clause may be amended as follows :-

"3. Whoever,

(1) in any street or public place, solicits any person for the purpose of prostitution, in such manner as to

to cause obstruction annoyance or danger to the residents or passengers or to offend against public decency, or

(2) frequents such street or public place, for the purpose of prostitution or of solicitation so as to constitute a nuisance, or to offend against public decency shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both."

7. Clauses 4 and 5. As the main purpose of the bill is confined to suppression of brothels and immoral traffic in women and girls, it does not appear to be necessary to deal with offences other than those relating to them. Clauses 4 and 5 which are adopted from the Bombay Act are very wide and aim as it were, at the suppression of prostitution which is not the object of the present bill. Further, the offences as embodied in the clauses are difficult of proof and depend mostly on circumstantial evidence and special presumptions. For these reasons we recommend that clauses 4 and 5 be deleted and the subsequent clauses be renumbered.

8. Clause 6. We have amended this clause as follows to make it more clear :-

"Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or with both."

9. Clause 7. The wording of this clause is vague It is not clear what is meant by "bringing into any villa or

or town or city" whether from outside the State or from any other place within the State. It is the taking from one place to another for the business of prostitution that is the essence of this offence. We have therefore amended the clause as follows :-

"5. Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both".

10. Clause 8. The words "empowered under this Regulation" should be omitted as they are unnecessary. For the words "of a prostitute" the words "of prostitution" should be substituted, as the latter has been defined.

11. Clause 9. We have redrafted clause 9 as follows:-

"7. A girl who has been removed under section 6 shall be brought before a magistrate having local jurisdiction and such magistrate shall make such inquiry as he thinks fit and if satisfied that the girl is under the age of 18 years, he may make an order that such girl be placed until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a rescue home provided or aided or recognised by the Government or in such other custody as the Court, for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or of a body of a different religious persuasion from that of the girl."

12. Clause 10. We have recast this clause with some verbal alterations as follows

"8. When a girl has been removed from a brothel or

or disorderly house or place of assignation under the provisions of section 6, the police officer carrying out the removal shall, until such girl can be brought before a magistrate cause her to be detained in a rescue home provided, aided, or recognised by the Government or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided, however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl."

13. As the magistrate has power to order the detention of a minor girl in a rescue home or other suitable custody, it is necessary to confer on the person having such custody the powers of a guardian over the minor girl. We recommend that the following clause be inserted as clause 9 on the lines of Section 19 of the Bengal Act VI of 1933.-

"9. Notwithstanding anything contained in any other law, any person to whose custody a girl is committed by an order made under Section 7 shall, while the order is in force, have the like control over the girl as if he were her parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her parent, or any other person."

14. <u>Clause 11.</u> This clause which has been adopted from the Bombay Act is very elaborate requiring also a special presumption for making out an offence and it will cause difficulties in working. We consider that it will be sufficient and effective if we provide merely for the case of unlawful detention in a brothel. We recommend that sub-clause (a) be recast as follows, sub-clause (b) being omitted :-

"10. Any person who detains any woman or girl against her will in a brothel for purposes of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to

extend to one thousand rupees or with both."

15. Clause 12. This clause is supplementary to sub-clause (ii) of clause 11 which lays down a special presumption. Since the special presumption clause has been deleted, the majority of us are of opinion that clause 12 should also be deleted.

essrs. B.G. Mallappa, H.C. Basappa and T. Ramachandra are of opinion that this clause should be retained with a view to protect a woman rescued from a brothel from any civil or criminal proceedings at the instance of the brothel keeper in respect of any jewels, clothing or money given or lent to her. The majority however considered that the ordinary law itself gives sufficient protection and no special provision is necessary. If jewels, clothing or money have been given or lent to a woman or girl by the brothel keeper for carrying on the business of prostitution, the transaction is unlawful under law and he cannot recover them back.

16. Clause 13. This clause has been very elaborately worded - especially sub-clause (iii) for determination of the lease. simple provision entitling the lessor to determine the tenancy on conviction of the tenant ~~with~~ of an offence under this section would be sufficient. We have therefore redrafted this clause as follows :-

"11 (1) Any person who keeps or manages or acts or ~~xxxxxxxx~~ assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both;

(2) Any person who,

(a) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under Sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel; shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessee, tenant or occupier thereof has been convicted under clause (a) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation."

17. Clauses 14 and 15.- We have redrafted clauses 14 and 15 as follows :-

"12. Any Police Officer (not below the rank of Inspector) on complaint, and any Police Officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under sections 3,4,5 and 10 if the name and address of such person be unknown to such Police Officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.

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"13. Notwithstanding anything contained in any other law for the time being in force, only a Police Officer authorized in this behalf by the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under sections 3,4,5 or 10 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under section 3, 4, 5 or 10 has been committed."

18. Clause 16. We have redrafted clause 16 as follows ~~For the word and figures "5,6,7, 8" substituted "4,5 or 16". The words "City Magistrates" should be omitted.~~ "3, 10 16 14. No Court inferior to that of a Stipendiary Magistrate of the first class shall try offences under Sections 3, 4, 5, 10 and 11."

19. We have inserted the usual rule making clause as follows :-

"15. The Government may make rules generally for carrying into effect the provisions of this Regulation and in particular;

(a) for the care, treatment, instruction and the maintenance of girls placed in a Rescue Home or Homes or other suitable custody under Section 7;

(b) for the detention of girls under the provisions of Section 8."

20. As there have been very many changes in the Bill, we recommend that it be republished.

K.M.R.15.
14.5.36.

7163
P 835

GENERAL AND REVENUE SECRETARIAT,

No. P 7583-93 Dated, Bangalore, 15th May 1936.
92

Dear Sir,

I am desired to forward herewith copy of the draft report of the Select Committee on the Suppression of brothels bill and to request you to return it with approval by the 20th instant.

Yours sincerely,

Secretary to the Committee.

D.S. Mallappa, Esq.,

SELECT COMMITTEE REPORT ON THE SUPPRESSION of IMMORAL TRAFFIC BILL.

We, the undersigned members to which the Bill for the suppression of immoral traffic was referred have considered the Bill at the meetings held on 27th March 1936 and 6th May 1936 and have now the honour to submit this, our report.

2. The Committee consider that the bill should deal mainly with the two connected questions of suppression of brothels and of immoral traffic and have made suitable changes in the bill to bring this out more clearly ~~and make such suitable changes as were considered necessary.~~

3. In this view we have altered the heading of the bill into "Bill for the suppression of brothels and immoral traffic" and altered the preamble as follows :-

"Whereas it is expedient to make provision for the suppression of brothels and immoral traffic in the Mysore State; it is hereby enacted as follows :-"

4. Clause 1 (a). The word "Mysore" should be omitted in the short title as it is unnecessary.

5. We are of opinion that the Regulation should come into operation only when conditions suitable for its working exist in a particular area and the Government may be empowered to extend it to particular areas when they are satisfied that such conditions exist. In clauses 6,7 and 8 of the Bill as amended by us provision is made for rescuing girls from brothels and placing them in ~~xxxxx~~ rescue homes. The establishment of rescue homes in a local area is therefore a condition precedent for the extension of these provisions to such area and we consider that it is necessary to insert a provision to this effect in the clause defining the 'Extent' of the Regulation. We have therefore recast clause 1 (b) as follows:-

"1 (b) The Government may from time to time by notification in the official Gazette apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification,

"Provided that sections 6,7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area".

5. <u>Clause 2 (i)</u>. In the definition of "brothel" the word "habitually" should be inserted after the word "thereof" where it occurs a second time as the charactertistic of a brothel is habitual use for purposes of prostitution..

(ii) Definitions of "place of public amusement" and "place of public entertainment" should

should be omitted as clauses 4 and 5 which are the only clauses wherein they occur are proposed to be deleted.

(iii) In the definition of "prostitution" the word "promiscuous" should be substituted for "indiscriminate."

(iv) In the definition of "Magistrate" the words "a City Magistrate or " should be omitted as a stipendiary magistrate of the First Class will include a City Magistrate.

(v) In view of the provision in the General Clauses Regulation, the definition of "he" is unnecessary and should be omitted.

(vi) The following definition should be added at the end of clause 2 :-

"Prescribed" means prescribed by rules made under this Regulation.

6. Clause 3. The provision in the Bill in respect of solicitation has been taken from the Bombay Act which is an enactment specially applicable to the City of Bombay which has its own peculiar problems and difficulties in the matter. The clause is somewhat elaborate and there will be practical difficulties in its operation in Mysore. We are of opinion that it is only where solicitation becomes an annoyance or nuisance, or offends against public decency, that it should be penalised. We therefore recommend the clause may be amended as follows :-

"3. Whoever,

(1) in any street or public place, solicits any person for the purpose of prostitution in such manner as to

to cause obstruction annoyance or danger to the residents or passengers or to offend against public decency, or

(2) frequents such street or public place, for the purpose of prostitution or of solicitation so as to constitute a nuisance, or to offend against public decency shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both."

7. Clauses 4 and 5. As the main purpose of the bill is confined to suppression of brothels and immoral traffic in women and girls, it does not appear to be necessary to deal with offences other than those relating to them. Clauses 4 and 5 which are adopted from the Bombay Act are very wide and aim as it were, at the suppression of prostitution which is not the object of the present bill. Further, the offences as embodied in the clauses are difficult of proof and depend mostly on circumstantial evidence and special presumptions. For these reasons we recommend that clauses 4 and 5 be deleted and that the subsequent clauses be renumbered.

8. Clause 6. We have amended this clause as follows to make it more clear

"Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or with both."

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or town or city" whether from outside the State or from any other place within the State. It is the taking from one place to another for the business of prostitution that is the essence of this offence. We have therefore amended the clause as follows :-

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"6. When a girl has been removed from a brothel or

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13. As the magistrate has power to order the detention of a minor girl in a rescue home or other suitable custody, it is necessary to confer on the person having such custody the powers of a guardian over the minor girl. We recommend that the following clause be inserted as clause 9 on the lines of Section 19 of the Bengal Act VI of 1933.-

"9. Notwithstanding anything contained in any other law, any person to whose custody a girl is committed by an order made under Section 7 shall, while the order is in force, have the like control over the girl as if he were her parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her parent, or any other person."

14. Clause 11. This clause which has been adopted from the Bombay Act is very elaborate requiring also a special presumption for making out an offence and it will cause difficulties in working. We consider that it will be sufficient and effective if we provide merely for the case of unlawful detention in a brothel We recommend that sub-clause (a) be recast as follows, sub-clause (b) being omitted :-

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extend to one thousand rupees or, with both."

15. Clause 12. This clause is supplementary to sub-clause (ii) of clause 11 which lays down a special presumption. Since the special presumption clause has been deleted, the majority of us are of opinion that clause 12 should also be deleted.

Messrs. D.S. Mallappa, H.C. Dasappa and T. Ramachandra are of opinion that this clause should be retained with a view to protect a woman rescued from a brothel from any civil or criminal proceedings at the instance of the brothel keeper in respect of any jewels, clothing or money given or lent to her. The majority however considered that the ordinary law itself gives sufficient protection and no special provision is necessary. If jewels, clothing or money have been given or lent to a woman or girl by the brothel keeper for carrying on the business of prostitution, the transaction is unlawfel under law and he cannot recover them back.

16. Clause 13. This clause has been very elaborately worded - especially sub-clause (iii) for determination of the lease. A simple provision entitling the lessor to determine the tenancy on conviction of the tenant ~~with~~ of an offence under this section would be sufficient. We have therefore redrafted this clause as follows :-

"11 (1) Any person who keeps or manages or acts or ~~xxxxxxxxx~~ assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both;

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(2) Any person who,

(a) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under Sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel; shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lesses, tenant or occupier thereof has been convicted under clause (a) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation."

17. Clauses 14 and 15.- We have redrafted clauses 14 and 15 as follows :-

"12. Any Police Officer (not below the rank of Inspector) on complaint, and any Police Officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under sections 3,4,5 and 10 if the name and address of such person be unknown to such Police Officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.

"13. Notwithstanding anything contained in any other law for the time being in force, only a Police Officer authorized in this behalf by the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under sections 3,4,5 or 10 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under section 3,4,5 or 10 has been committed".

18. Clause 16. - We have redrafted clause 16 as follows:-

"14. No court inferior to that of a Stipendiary Magistrate of the first class shall try offences under sections 3.4.5.10 and 11".

19. We have inserted the usual rule making clause as follows :-

"15. The Government may make rules generally for carrying into effect the provisions of this Regulation and in particular;

(a) for the care, treatment, instruction and the maintenance of girls placed in a Rescue Home or Homes or other suitable custody under Section7;

(b) for the detention of girls under the provisions of Section 8".

20. As there have been very many changes in the Bill, we recommend that it be republished.

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approved
D.S. Wallace
20/5/1936

GENERAL AND REVENUE SECRETARIAT

No. P 7583-93 Dated, Bangalore, 15th May 1936.

Dear Sir,

I am desired to forward herewith copy of the draft report of the Select Committee on the Suppression of Bawdy Houses bill and to request you to return it with approval by the 20th instant.

Yours sincerely,

Secretary to the Committee.

Rao Bahadur
B.K. Garudachar. Esq.,

SELECT COMMITTEE REPORT ON THE SUPPRESSION OF IMMORAL TRAFFIC BILL.

The undersigned members to which the Bill for the suppression of immoral traffic was referred have considered the Bill at the meetings held on 27th March 1936 and 6th May 1936 and have the honour to submit this, our report.

The Committee consider that the Bill should deal mainly with the two connected conditions of suppression of brothels and of immoral traffic and have made suitable changes in the Bill to bring about more clearly. ~~and other suitable changes are also considered desirable.~~

In this view we have altered the heading of the Bill into "Bill for the suppression of brothels and immoral traffic" and altered the preamble as follows :-

"Whereas it is expedient to make provision for the suppression of brothels and immoral traffic in the Mysore State; it is hereby enacted as follows :-"

4. Clause 1 (e). The word "Mysore" should be omitted in the short title as it is unnecessary.

5. We are of opinion that the Regulation should come into operation only when conditions suitable for its working exist in a particular area and the Government may be empowered to extend it to particular areas when they are satisfied that such conditions exist. In clauses 6,7 and 8 of the Bill as amended by us provision is made for rescuing girls from brothels and placing them in ~~xxxxx~~ rescue homes. The establishment of rescue homes in a local area is therefore a condition precedent for the extension of these provisions to such area and we consider that it is necessary to insert a provision to this effect in the clause defining the 'Extent' of the Regulation. We have therefore recast clause 1 (b) as follows:-

"1 (b) The Government may from time to time by notification in the official Gazette apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification,

"Provided that sections 6,7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area".

5. Clause 2 (i). In the definition of "brothel" the word "habitually" should be inserted after the word "thereof" where it occurs a second time as the characteristic of a brothel is habitual use for purposes of prostitution.

(ii) Definitions of "place of public amusement" and "place of public entertainment" should

should be omitted. Clauses 4 and 5 which are the only clauses through which they occur are proposed to be deleted.

(iii) In the definition of "prostitution" the word "promiscuous" should be substituted for "indiscriminate".

(iv) In the definition of "brothel" the words "a single prostitute or" should be omitted as a stipendiary magistrate of the first class will trouble a lady magistrate.

(v) In view of the provision in the "general clauses" section, the definition of "bye" is unnecessary and should be omitted.

(vi) The following definition should be added at the end of clause 2 :

"prescribed" means prescribed by rules made under this regulation.

5. Clause 3. No provision in the Bill in respect of solicitation has been taken from the [illegible] at which it is proposed specially applicable to the city of Bombay which has its own peculiar problems and difficulties in this matter. The clause is somewhat elaborate and there will be practical difficulties in its operation in Mysore. In view of which it is felt only more solicitation becomes an nuisance to passers-by, or affends against public decency, [illegible] the ends in the ends in [illegible] the clause may be corrected as follows :-

"3. Whoever,

(1) in any street or public place, solicits any person for the purpose of prostitution, in such manner as

to obstruction, annoyance or danger to the residents or passengers or to offend against public decency, or

(2) frequents such street or public place, for the purpose of prostitution or of solicitation so as to constitute a nuisance, or to offend against public decency shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both."

7. Clauses 4 and 5. As the main purpose of the bill is confined to suppression of brothels and immoral traffic in women and girls, it does not appear to be necessary to deal with offences other than those relating to them. Clauses 4 and 5 of the bill are adopted from the Indian Act which are very wide and aim at, as it were, at the suppression of prostitution which is not the object of the present bill. Further, the offences as enacted in the clauses are difficult of proof and depend mostly on circumstantial evidence and moral presumptions. For these reasons we recommend that clauses 4 and 5 be deleted and the subsequent clauses be renumbered.

8. Clause 6. We have amended this clause as follows to make it more clear :-

"Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or with both."

9. Clause 7. The wording of this clause is vague. It is not clear what is meant by "bringing into any village or

[illegible] city [illegible] from which the [illegible] or from any other place within the State. It is the taking from one place to another for the business of prostitution that is the essence of this offence.

We have [illegible] section [illegible] as follows:-

"9. Any person who forces or attempts to take or induce to take from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution shall be guilty of an indictable offence and liable to imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both".

10. Clause 8. [illegible] offences mentioned under this section [illegible] are unnecessary. For the words of exploitation, the words of prostitution should be substituted, so the latter has been [illegible].

11. Clause 9. We have redrafted clause 9 as follows:-

"9. A girl who has been removed under section 8 shall be brought before a magistrate having local jurisdiction and such magistrate shall make such inquiry as he thinks fit and if satisfied that the girl is under the age of 18 years, he may make an order that such girl be placed until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a rescue home provided or aided or recognised by the Government or in such other custody as the court, for reasons to be stated in writing shall consider suitable, provided that such custody shall not be [illegible] imposed place than a relative of the girl or of a person of a different religious persuasion from that of the girl."

12. Clause 10. We have redrafted this clause with some verbal alterations as follows:

"When a girl has been removed from a brothel or

or unknown, must be placed at destination under the provisions of section 6, the police officer carrying out the rescue shall, until such girl can be brought before a magistrate, cause her to be detained in a rescue home provided, aided, or recognised by the Government or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided, however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl."

13. In the magistrate has power to order the detention of a minor girl in a rescue home or other suitable custody, it is necessary to confer on the person having such custody any powers of a guardian over the minor girl. We recommend that the following clause be inserted as clause 7 on the lines of Section 17 of the Indian Penal Code of 1927.-

"7. Notwithstanding anything contained in any other law, any person to whose custody a girl is committed by an order made under Section 7 shall, while the order is in force, have the like control over the girl as if he were her parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her parent, or any other person."

14. Article 11. This clause was then accepted from the Bombay Act as very authoritative, having also a special presumption for making out an offence and it will cause difficulties in drafting. We consider that it will be sufficient and effective if we provide merely for the offence of unlawful detention in a brothel (the remaining in a sub-clause (c) be inserted as follows, sub-clause (b) being inserted :-

"(c). Any person who detains any woman or girl against her will in a brothel for purposes of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to

extend to one thousand rupees or with both."

15. Clause 12. This clause is cast owners to sub-clause (ii) of clause 11 which lays down a special presumption. Since the said presumption clause has been deleted, the majority of members of opinion that clause 12 should also be deleted.

Messrs. [illegible] Gallagher, C. [illegible] Scrapps and [illegible] Ramachandra are of opinion that this clause should be retained with a view to protect a woman rescued from a brothel under the provisions of criminal proceedings if the husband or the present keeper is tempted of any jewels, clothing or money given or lent to her. They however considered that the ordinary law itself gives sufficient protection and no special provision is necessary. If jewels, clothing or money have been given or lent to a woman or girl by the brothel-keeper for carrying on the business of prostitution, the transaction is unlawful under law and he cannot recover them back.

16. Clause 13. This clause has been very elaborately worded - especially sub-clause (iii) for determination of the lease. A simple provision entitling the lessor to determine the tenancy on conviction of the tenant of an offence under this section would be sufficient. We have therefore redrafted this clause as follows :-

"11. (1) Any person who keeps or manages or aids or assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both;

(2) Any person who,

(a) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessee, tenant or occupier thereof has been convicted under clause (a) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation.

17. Clauses 14 and 15.- We have redrafted clauses 14 and 15 as follows :

"(2). Any police officer (not below the rank of Inspector or constable), and any police officer entrusted in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his presence any offences punishable under sections 3,4,5 and 10 if the name and address of such person be unknown to such Police Officer and cannot be ascertained by him there and then, or if he has reason to suspect that a false name and address has been given."

[illegible] contained in any cases

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] the District Superintendent

of Police [illegible] for the purposes of ascertaining whether an

offence punishable under sections 9.4.3 or 10 has been

or is being committed, enter without a warrant any pre-

mises in which he has reason to believe that any person

[illegible] an accused [illegible] [illegible] [illegible]

[illegible] 9.4.3 or 10 has been committed".

20. Clause 16. We have substituted clause 16 as

follows:-

"14. In cases involving [illegible] a dangerous

[illegible] of the [illegible] [illegible] [illegible]

[illegible] 9.4.3 and 10".

21. We have [illegible] the [illegible] [illegible] [illegible]

[illegible] clause

as follows:-

"15. The Government may [illegible] generally [illegible]

[illegible] [illegible] effect the provisions of this Regulation and

in particular:-

(a) for the care, treatment, instruction and the

maintenance of [illegible] placed in a [illegible] or [illegible]

[illegible] under this Regulation;

(b) for the execution of [illegible] under this Regulation

[illegible] 16".

22. We have [illegible] very [illegible] [illegible] [illegible]

[illegible] no [illegible] [illegible] be established.

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NOTIFICATION.

No. 4681—L. C., Bangalore, dated 26th May 1936.

Under Standing Order No. 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill to enforce Legislation suppressing Immoral Traffic in the Mysore State is published for general information.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

Report of the Select Committee on the Bill to enforce Legislation suppressing Immoral Traffic in the Mysore State.

We, the undersigned members to which the Bill for the suppression of immoral traffic was referred have considered the Bill at the meetings held on 27th March 1936 and 6th May 1936 and have now the honour to submit this, our report.

2. The Committee consider that the bill should deal mainly with the two connected questions of suppression of brothels and of immoral traffic and have made suitable changes in the bill to bring this out more clearly.

3. In this view we have altered the heading of the bill into "Bill for the suppression of brothels and immoral traffic" and altered the preamble as follows:—

"Whereas it is expedient to make provision for the suppression of brothels and immoral traffic in the Mysore State; It is hereby enacted as follows:—"

4. *Clause 1 (a).*—The word "Mysore" should be omitted in the short title as it is unnecessary.

5. We are of opinion that the Regulation should come into operation only when conditions suitable for its working exist in a particular area and the Government may be empowered to extend it to particular areas when they are satisfied that such conditions exist. In clauses 6, 7 and 8 of the Bill as amended by us, provision is made for rescuing girls from brothels and placing them in rescue homes. The establishment of rescue homes in a local

area is therefore a condition precedent for the extension of these provisions to such area, and we consider that it is necessary to insert a provision to this effect in the clause defining the 'Extent' of the Regulation. We have therefore recast clause 1 (*b*) as follows :—

1 (*b*) The Government may, from time to time, by notification in the official Gazette, apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification.

"Provided that sections 6, 7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area.

5. *Clause 2* (i).—In the definition of "brothel" the word "habitually" should be inserted after the word "thereof" where it occurs a second time as the characteristic of a brothel is habitual use for purposes of prostitution.

(ii) Definitions of "place of public amusement" "place of public entertainment" should be omitted as clauses 4 and 5 which are the only clauses wherein they occur, are proposed to be deleted.

(iii) In the definition of "prostitution" the word "promiscuous" should be substituted for "indiscriminate."

(iv) In the definition of "Magistrate" the words "a City Magistrate or" should be omitted as a stipendiary magistrate of the First Class will include a City Magistrate.

(v) In view of the provision in the General Clauses Regulation, the definition of "he" is unnecessary and should be omitted.

(vi) The following definition should be added at the end of clause 2 :-

"Prescribed" means prescribed by rules made under this Regulation.

6. *Clause 3*.—The provision in the Bill in respect of solicitation has been taken from the Bombay Act which is an enactment specially applicable to the City of Bombay which has its own peculiar problems and difficulties in the matter. The clause is somewhat elaborate and there will be practical difficulties in its operation in Mysore. We are of opinion that it is only where solicitation becomes an annoyance or nuisance or offends against public

decency, that it should be penalised. We therefore recommend that the clause may be amended as follows :—

"3. Whoever,

(1) in any street or public place, solicits any person for the purpose of prostitution, in such manner as to cause obstruction, annoyance or danger to the residents or passengers or to offend against public decency, or

(2) frequents such street or public place, for the purpose of prostitution or of solicitation so as to constitute a nuisance, or to offend against public decency,

shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both."

7. *Clauses* 4 *and* 5.—As the main purpose of the bill is confined to suppression of brothels and immoral traffic in women and girls, it does not appear to be necessary to deal with offences other than those relating to them. Clauses 4 and 5 which are adopted from the Bombay Act are very wide and aim as it were, at the suppression of prostitution which is not the object of the present bill. Further, the offences as embodied in the clauses are difficult of proof and depend mostly on circumstantial evidence and special presumptions. For these reasons, we recommend that clauses 4 and 5 be deleted and that the subsequent clauses be renumbered.

8. *Clause* 6.—We have amended this clause as follows to make it more clear :—

"4. Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or with both."

9. *Clause* 7.—The wording of this clause is vague. It is not clear what is meant by "bringing into any village or town or city" whether from outside the State or from any other place within the State. It is the taking from one place to another for the business of prostitution that is the essence of the offence. We have therefore amended the clause as follows :—

"5. Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both."

10. *Clause 8.*—The words "empowered under this Regulation" should be omitted as they are unnecessary. For the words "of a prostitute" the words "of prostitution" should be substituted, as the latter has been defined.

11. *Clause 9.*—We have redrafted clause 9 as follows :—

"7. A girl who has been removed under section 6 shall be brought before a magistrate having local jurisdiction and such magistrate shall make such inquiry as he thinks fit and, if satisfied that the girl is under the age of 18 years, he may make an order that such girl be placed until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a rescue home provided or aided or recognised by the Government or in such other custody as the Court, for reasons to be stated in writing, shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or of a body of a different religious persuasion from that of the girl."

12. *Clause 10.*—We have recast this clause with some verbal alterations as follows :

8. When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of section 6, the police officer carrying out the removal shall, until such girl can be brought before a magistrate cause her to be detained in a rescue home provided, aided, or recognised by the Government or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided, however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl."

13. As the magistrate has power to order the detention of a minor girl in a rescue home or other suitable custody, it is necessary to confer on the person having such custody the powers of a guardian over the minor girl. We recommend that the following clause be inserted as clause 9 on the lines of Section 19 of the Bengal Act VI of 1933.—

9. Notwithstanding anything contained in any other law, any person to whose custody a girl is committed by an order made under Section 7 shall, while the order is in force, have the like control over the girl as if he were her parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her partent, or any other person."

14. *Clause 11.*—This clause which has been adopted from the Bombay Act is very elaborate, requiring also a special presumption for making out an offence and it

will cause difficulties in working. We consider that it will be sufficient and effective if we provide merely for the case of unlawful detention in a brothel. We recommend that sub-clause (a) be recast as follows, sub-clause (b) being omitted :—

"10. Any person who detains any woman or girl against her will in a brothel for purposes of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both."

15. *Clause* 12.--This clause is supplementary to sub-clause (b) of clause 11 which lays down a special presumption. Since the special presumption clause has been deleted, the majority of us are of opinion that clause 12 should also be deleted.

Messrs. D. S. Mallappa, H. C. Dasappa and T. Ramachandra are of opinion that this clause should be retained with a view to protect a woman rescued from a brothel from any civil or criminal proceedings at the instance of the brothel keeper in respect of any jewels, clothing or money given or lent to her. The majority however considered that the ordinary law itself gives sufficient protection and no special provision is necessary. If jewels, clothing or money have been given or lent to a woman or girl by the brothel keeper for carrying on the business of prostitution, the transaction is unlawful under law and he cannot recover them back.

16. *Clause* 13. This clause has been very elaborately worded—especially sub-clause (iii) for determination of the lease. A simple provision entitling the lessor to determine the tenancy on conviction of the tenant of an offence under this section would be sufficient. We have therefore redrafted this clause as follows:—

"11. (1) Any person who keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both ;

(2) Any person who,

(*a*) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

(*b*) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such

premises, or any part thereof, as a brothel, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessees, tenant or occupier thereof has been convicted under clause (a) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation."

17. *Clause* 14 *and* 15.—We have redrafted clauses 14 and 15 as follows :—

"12. Any Police Officer (not below the rank of inspector) on complaint, and any Police Officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under sections 3, 4, 5 and 10 if the name and address of such person be unknown to such Police Officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.

"13. Notwithstanding anything contained in any other law for the time being in force, only a Police Officer authorized in this behalf by the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under sections 3, 4, 5 or 10 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under sections 3, 4, 5 or 10 has been committed."

18. *Clause* 19.—We have redrafted the clause as follows :—

"14. No court inferior to that of a stipendiary Magistrate of the First Class shall try offences under sections 3, 4, 5, 10 and 11."

19. We have inserted the usual rule making clause as follows :—

"15. The Government may make rules generally for carrying into effect the provisions of this Regulation and in particular ;

(*a*) for the care, treatment, instruction and the maintenance of girls placed in a Rescue Home or Homes or other suitable custody under Section 7

(*b*) for the detention of girls under the provisions of Section 8."

20. As there have been very many changes in the Bill, we recommend that it be republished.

(Sd.) S. P. Rajagopalachari,
(*Chairman.*)
" F. A. Hamilton.
" S. Subba Rao.
" H. V. Ramasvami.
" A. R. Nagesvara Iyer.
" K. R. Srinivasa Iyengar.
" D. V. Gundappa.
" H. C. Dasappa.
" Md. Abbas Khan.
" D. S. Mallappa.
" B. K. Garudachar.
Mr. T. Ramachandra has not yet intimated his approval.

BILL AS AMENDED BY THE SELECT COMMITTEE.

(Additions are indicated in italics and portions omitted are enclosed in square brackets).

BILL [TO ENFORCE LEGISLATION SUPPRESSING] *FOR THE SUPPRESSION OF BROTHELS AND* **IMMORAL TRAFFIC IN THE MYSORE STATE.**

Whereas it is to expedient [enforce the law regarding] *make provision for the* Suppression of *brothels and* Immoral Traffic in the Mysore State. It is hereby enacted as follows :—

SHORT TITLE.

1. (*a*) This Regulation may be called the [Mysore] Suppression of Immoral Traffic Regulation of 193

EXTENT.

[(*b*) This Section, Section 6, Section 12, Section 13, and Section 16 shall extend to the whole of the Mysore State. The rest of this Regulation shall extend, in the first instance, to the Cities of Bangalore and Mysore, but the Government may, by notification, extend to any other

local area, all or any of its provisions with such verbal modifications as, having regard to the principles of this Regulation, may be necessary for the purposes of such extension.]

"(b) *The Government may from time to time, by notification in the Official Gazette apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification.*

"*Provided that sections 6, 7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area.*"

DEFINITION.

2. In this Regulation, unless there is anything repugnant in the subject or context:-

'Brothel' means any house, room, or place, or any part thereof which the occupier or person in charge thereof *habitually* allows to be used by any other person for the purposes of prostitution.

['Place of public amusement' shall mean any place, enclosure, building, tent, booth, or other erection, whether permanent or temporary, where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided, and to which the public are admitted either on payment of money or with the intention that the money may be collected from those admitted, and shall include a race-course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium or fencing school, massage room and turkish baths.]

'Place of public entertainment' shall mean any place, whether enclosed or open, to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place; and shall include a refreshment-room, eating-house, coffee-house, liquor-house, boarding-house, lodging-house, hotel, tavern, or wine, beer, spirit, arrack, toddy, gania, bhang or opium shop.]

'Prostitution' means [indiscriminate] *promiscuous* sexual intercourse for hire.

'Magistrate' means [a City Magistrate or] a Stipendiary Magistrate of the First Class.

['He' means and includes 'She' also.]

'Prescribed' means prescribed by rules made under this Regulation.

SOLICITATION.

3. [Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not,

(*a*) by words, postures, wilful and indecent exposure of his or her person or otherwise, attracts or endeavours to attract attention for the purpose of prostitution, or;

(*b*) solicits or molests any other person for the purpose of prostitution shall be punished with imprisonment for a period or term which may extend to three months, or with fine which may extend to one hundred rupees.]

Whoever,

(1) *in any street or public place, solicits any person for the purpose of prostitution, in such manner as to cause obstruction, annoyance or danger to the residents or passengers or to offend against public decency, or*

(2) *frequents such street or public place, for the purpose of prostitution or of solicitation so as to constitute a nuisance, or to offend against public decency*

shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both."

[PROSTITUTION IN PLACES OF PUBLIC AMUSEMENT.]

[4. Whoever being the owner, keeper, landlord or manager of any place of public amusement or entertainment, knowingly permits prostitutes or procurers for the purpose of their trade to meet or remain in such place, shall be punished with fine which may extend to one hundred rupees.

LIVING ON THE EARNINGS OF PROSTITUTION.

5. (*a*) Any person over the age of sixteen who knowingly employs or causes or abets the employment by another person for prostitution and lives, wholly or in part on such earnings shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees, or both.

Presumption thereof.

(*b*) Where a person is proved to be living with or to be habitually in the company of a prostitute or is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting, or compelling her prostitution with any other person or generally, it shall be presumed, until the contrary is proved, that he is knowingly living on the earnings of prostitution.

PROCURATION.

6. Any person who procures or attempts to procure or causes to procure any woman or girl, whether with or without her consent, to become a prostitute, or who, with intent that she may for the purposes of prostitution become the inmate of or frequent a brothel, persuades a woman or girl to leave her usual place of abode, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or both.]

"4. *Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or with both.*"

IMPORTING WOMAN OR GIRL FOR PROSTITUTION.

7. Any person who brings or attempts to bring or causes to be brought into any village, town or city in the State, any girl or woman, with a view to her becoming a prostitute, shall be punished with imprisonment which may extend to three years, or with fine which may extend to five hundred rupees, or with both.]

"5. *Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both.*"

[8] *6.* Where a Magistrate [empowered under this Regulation] has reason to believe from a report made to him by a Police Officer, or otherwise, that a girl apparently under the age of 18 years is living or is carrying on or is being made to carry on the business of [a prostitute] prostitution in a brothel, disorderly house, or place of assignation, he may issue an order to a Police Officer not below the rank of an Inspector specially authorised in writing in this behalf by the Superintendent of Police, to enter into such brothel, disorderly house or place of assignation, and to remove therefrom such girl; and thereupon such Police Officer shall have the power to enter into such brothel, disorderly house or place of assignation, and shall be entitled to remove such girl forthwith from such brothel, disorderly house or place of assignation.

COMMITMENT TO SUITABLE CUSTODY.

[9. A girl who has been so removed shall be brought before a Magistrate empowered under this Act, and the Magistrate shall cause an inquiry to be made and if satisfied that the girl is under 18 years of age and that she should be dealt with as therein provided, may make an order that such girl be placed, until she attains the age of 21 years or for any shorter period, in a Rescue Home provided or aided or recognised by the Government or in such other custody as the court for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or body of a different religious persuasion from that of the girl.]

"7. *A girl who has been removed under section 6 shall be brought before a magistrate having local jurisdiction and such magistrate shall make such inquiry as he thinks fit and if satisfied that the girl is under the age of 18 years, he may make an order that such girl be placed until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a rescue home provided or aided or recognised by the Government or in such other custody as the Court, for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or of a body of a different religious persuasion from that of the girl.*"

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INTERMEDIATE CUSTODY OF THE GIRL REMOVED FROM BROTHEL, ETC.

[10. When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of Section 8, the Superintendent of Police in Mysore or any other Police Officer carrying out the removal shall, until such girl can be brought before the court, cause her to be detained in a Rescue Home provided, aided, or recognised by the Government (other than a police station or jail), provided that as far as possible such custody shall not be that of a body of a different religious persuasion from that of the girl.]

"8. *When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of section 6, the police officer carrying out the removal shall, until such girl can be brought before a magistrate cause her to be detained in a rescue home provided, aided or recognised by the Government or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided, however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl.*"

9. Notwithstanding anything contained in any other law; any person to whose custody a girl is committed by an order made under Section 7 shall, while the order is in force, have the like control over the girl as if he were her parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her parent, or any other person."

UNLAWFUL DETENTION FOR PROSTITUTION.

[11. (*a*) Whoever detaining any woman or girl against her will,

(i) in any house, room, or place in which the business of a common prostitute is carried on, or

(ii) in or upon any premises with intent that she may have sexual intercourse with any man, other than her husband, whether with any particular man or generally,

shall be punished with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Presumption thereof.

(*b*) Where a woman or girl is in any house, room, or place in which the business of a common prostitute is carried on, or is in or upon any premises for the purpose of having sexual intercourse referred to in sub-clause (ii), a person shall be deemed to detain such woman or girl in such house, room, place or in or upon such premises if, with intent to compel or induce her to remain there, such person withholds from her any wearing apparel, personal ornaments or other property belonging to her; or, where wearing apparel, personal ornaments, other personal property, or money has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel or personal ornaments or other personal property so lent or supplied, or for the recovery of such money.]

"10. *Any person who detains any woman or girl against her will in a brothel for purposes of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.*"

[BAR OF CERTAIN LEGAL PROCEEDINGS.]

[12. No civil suit shall lie, and no proceedings whether civil or criminal shall be taken, against any such woman or girl or against any person on her behalf, by or on behalf of any person occupying or managing or acting or assisting in the management of any such house, room, place or premises, for the recovery of any wearing apparel, personal ornaments, or other property, alleged to have been lent or supplied to or for such woman or girl or to have been pledged by or for her or for the recovery of any money alleged to be payable by or on behalf of such woman or girl.]

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PUNISHMENT FOR KEEPING A BROTHEL OR ALLOWING PREMISES TO BE USED AS A BROTHEL.

"*11.* (*1*) *Any person who keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.*

(*2*) *Any person who,*

(a) *being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or*

(b) *being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section* (*1*) *or clause* (a) *of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel;*

shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both,

(*3*) *Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessee, tenant or occupier thereof has been convicted under clause* (a) *of sub-section* (*2*) *shall be entitled forthwith to determine such lease, tenancy or occupation.*"

A

[13. (i) Any person who—

(*a*) keeps or manages or acts or assists in the management of a brothel ; or

(*b*) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel ; or

(*c*) being the lessor, or landlord of any premises or the agent of such lessor or landlord, lets the same, or any part thereof, with the knowledge that the same or any part thereof,

may be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof, as a brothel;

shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees.

Punishment for Subsequent Offence.

B

13. (ii) Any person who, having been convicted of an offence punishable under Section A, is convicted of a subsequent offence punishable under the said section, shall be punished with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and may in addition to such punishment, be required by the court to execute a bond, with sureties, for his good behaviour for such period not exceeding three years, as the court may direct, and in default of executing such bond, may be imprisoned for a period not exceeding six months in addition to the punishment awarded in respect of his offence.

Determination of Tenancy of Premises on Conviction for Permitting use as a Brothel or for Purposes of Habitual Prostitution.

C

13. (iii) (*a*) On conviction of the tenant, lessee or occupier for any offence under Section A, clause (*b*), the landlord or lessor shall be entitled to require the person so convicted to assign the lease or other contract, under which the said premises are held by him, to some person approved by the landlord or lessor, which approval shall not be unreasonably withheld, and, in the event of the person so convicted failing within three months to assign the lease or contract as aforesaid, the landlord or lessor shall be entitled to determine the lease or other contract, but without prejudice to the rights or remedies of any part to such lease or contract accruing before the date of such determination.

(*b*) If the landlord or lessor determines a lease or contract of tenancy under the provisions of sub-section (*a*), the court which has convicted the tenant, lessee or occupier may make an order for delivery of possession to

the landlord or lessor within such time, not being less than seven days, as the court may direct. The order shall be served on the person against whom it is made in the manner provided in the Code of Criminal Procedure for service of a summons, and if such person fails to comply with it, he shall be punished with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees.

(*c*) If the landlord or lessor after he has received notice in writing of such conviction fails to exercise his rights under sub-section (*a*) and consequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have abetted that offence, unless he proves that he has taken all reasonable steps to prevent the recurrence of the offence.

(*d*) Where a landlord or lessor determines a lease or other contract under this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person, without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence, he shall be deemed to have failed to exercise his rights under the provisions of this section and any such offence committed during the subsistence of the subsequent lease or contract shall be deemed, for the purpose of this section, to have been committed during the subsistence of the previous lease or contract.]

ARREST WITHOUT WARRANT.

"12. *Any Police Officer (not below the rank of Inspector) on complaint, and any Police Officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under Sections 3, 4, 5 and 10 if the name and address of such person be unknown to such Police Officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.*

"13. *Notwithstanding anything contained in any other law for the time being in force, only a Police Officer authorized in this behalf by the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under Sections 3, 4, 5 or 10 has been or is*

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being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under Sections 3, 4, 5 or 10 has been committed."

[14. (*a*) Any Police Officer, not below the rank of an Inspector on information, and, if the offence is committed in his view, any Police Officer specially authorised in this behalf by the District Magistrate, may arrest without a warrant any person committing an offence punishable under Section 3.

(*b*) Any Police Officer, not below the rank of an Inspector, may, without an order from a Magistrate and without warrant, arrest any person who has been concerned in an offence punishable under Section 11, or against whom a reasonable complaint has been made or credible information has been received, of his having been concerned in an offence under sub-section (*c*) of Section 13 (i).

POWER TO ENTER PREMISES.

15. If the Magistrate or the District or a First Class Magistrate or the District Superintendent of Police or Assistant Superintendent of Police, holding jurisdiction in the area, for the purpose of ascertaining whether an offence punishable under Sections 5, 6, 7 and 11, has been or is being committed in any building, enclosure, room, place in which he has reason to believe that any woman or girl is living in respect of whom, an offence punishable under Sections 5, 6, 7 or 11 has been committed, may either himself enter or by his warrant give authority to any Police Officer, not below the rank of a Police Inspector, to enter with such assistance as may be found necessary, by night or by day and by force, if necessary.

Any Police Officer, not below the rank of an Inspector, authorised in this behalf by the District Magistrate by special order may, for the purpose of ascertaining whether an offence punishable under Sections 5, 6, 7, 8 or 11 has been or is being committed, enter without a warrant, any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under Sections 5, 6, 7, 8 or 11 has been committed.]

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OFFENCES TRIABLE BY CERTAIN MAGISTRATES ONLY.

[16. Offences punishable under Sections 5, 6, 7 or 8 shall be triable by the Courts of Sessions, City Magistrates and Stipendiary Magistrates of the First Class only.]

"14. *No court inferior to that of a stipendiary Magistrate of the first class shall try offences under Sections 3, 4, 5, 10 and 11.*"

"15. *The Government may make rules generally for carrying into effect the provisions of this Regulation and in particular*

(a) *for the care, treatment, instruction and the maintenance of girls placed in a rescue home or homes or other suitable custody under Section 7;*

(b) *for the detention of girls under the provisions of Section 8.*"

Printed by the Superintendent at the Government Press, Bangalore.

THE MYSORE LEGISLATIVE COUNCIL.

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Budget Session - June 1936.

BILL FOR THE SUPPRESSION OF BROTHELS AND IMMORAL TRAFFIC IN THE MYSORE STATE.

AMENDMENTS.

(1) Section 7 as amended: Delete the last clause "provided that..... of the girl".

(2) Section 9 as amended: Delete the last clause - " provided, however,..... of the girl".

MOVER: Mr. F.L. SILVA.

NOTIFICATION.

No. 1920—L.C. Bangalore dated 22nd November 1935.

Under Rule 7 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying private Bill to enforce Legislation suppressing Immoral Traffic in the Mysore State is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary,
Mysore Legislative Council.

BILL TO ENFORCE LEGISLATION SUPPRESSING IMMORAL TRAFFIC IN THE MYSORE STATE.

Whereas it is expedient to enforce the law regarding Suppression of Immoral Traffic in the Mysore State, it is hereby enacted as follows :—

SHORT TITLE.

1. (*a*) This Regulation may be called the Mysore Suppression of Immoral Traffic Regulation of 193

EXTENT.

(*b*) This Section, Section 6, Section 12, Section 13, and Section 16 shall extend to the whole of the Mysore State. The rest of this Regulation shall extend, in the first instance, to the Cities of Bangalore and Mysore, but the Government may, by notification, extend to any other local area, all or any of its provisions with such verbal modifications as, having regard to the principles of this Regulation, may be necessary for the purposes of such extension.

DEFINITION.

2. In this Regulation, unless there is anything repugnant in the subject or context :—

'Brothel' means any house, room, or place, or any part thereof which the occupier or person in charge thereof allows to be used by any other person for the purposes of prostitution.

'Place of public amusement' shall mean any place, enclosure, building, tent, booth, or other erection, whether permanent or temporary, where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided, and to which the public are admitted either on payment of money or with the intention that the money may be collected from those admitted, and shall include a race course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium or fencing school, massage room and turkish baths.

'Place of public entertainment' shall mean any place, whether enclosed or open, to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place; and shall include a refreshment-room, eating-house, coffee-house, liquor-house, boarding-house, lodging-house, hotel, tavern, or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop.

'Prostitution' means indiscriminate sexual intercourse for hire.

'Magistrate' means a City Magistrate or a Stipendiary Magistrate of the First Class.

'He' means and includes 'She' also.

SOLICITATION.

3. Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not,

(*a*) by words, postures, wilful and indecent exposure of his or her person or otherwise, attracts or endeavours to attract attention for the purpose of prostitution, or;

(*b*) solicits or molests any other person for the purpose of prostitution shall be punished with imprisonment for a period or term which may extend to three months, or with fine which may extend to one hundred rupees.

PROSTITUTION IN PLACES OF PUBLIC AMUSEMENT.

4. Whoever being the owner, keeper, landlord or manager of any place of public amusement or entertainment, knowingly permits prostitutes or procurers for the

purpose of their trade to meet or remain in such place, shall be punished with fine which may extend to one hundred rupees.

LIVING ON THE EARNINGS OF PROSTITUTION.

5. (*a*) Any person over the age of sixteen who knowingly employs or causes or abets the employment by another person for prostitution and lives, wholly or in part on such earnings shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees, or both.

Presumption thereof.

(*b*) Where a person is proved to be living with or to be habitually in the company of a prostitute or is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting, or compelling her prostitution with any other person or generally, it shall be presumed, until the contrary is proved, that he is knowingly living on the earnings of prostitution.

PROCURATION.

6. Any person who procures or attempts to procure or causes to procure any woman or girl, whether with or without her consent, to become a prostitute, or who, with intent that she may for the purposes of prostitution become the inmate of or frequent a brothel, persuades a woman or girl to leave her usual place of abode, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or both.

IMPORTING WOMAN OR GIRL FOR PROSTITUTION.

7. Any person who brings or attempts to bring or causes to be brought into any village, town or city in the State, any girl or woman, with a view to her becoming a prostitute, shall be punished with imprisonment which may extend to three years, or with fine which may extend to five hundred rupees, or with both.

8. Where a Magistrate empowered under this Regulation has reason to believe from a report made to him by

a Police Officer, or otherwise, that a girl apparently under the age of 18 years is living or is carrying on or is being made to carry on the business of a prostitute in a brothel, disorderly house, or place of assignation, he may issue an order to a Police Officer not below the rank of an Inspector specially authorised in writing in this behalf by the Superintendent of Police, to enter into such brothel, disorderly house or place of assignation, and to remove therefrom such girl; and thereupon such Police Officer shall have the power to enter into such brothel, disorderly house or place of assignation, and shall be entitled to remove such girl forthwith from such brothel, disorderly house or place of assignation.

Commitment to Suitable Custody.

9. A girl who has been so removed shall be brought before a Magistrate empowered under this Act, and the Magistrate shall cause an inquiry to be made and if satisfied that the girl is under 18 years of age and that she should be dealt with as therein provided, may make an order that such girl be placed, until she attains the age of 21 years or for any shorter period, in a Rescue Home provided or aided or recognised by the Government or in such other custody as the court for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or body of a different religious persuasion from that of the girl.

Intermediate Custody of the Girl removed from Brothel, etc.

10. When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of Section 8, the Superintendent of Police in Mysore or any other Police Officer carrying out the removal shall, until such girl can be brought before the court, cause her to be detained in a Rescue Home provided, aided, or recognised by the Government (other than a police station or jail), provided that as far as possible such custody shall not be that of a body of a different religious persuasion from that of the girl.

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UNLAWFUL DETENTION FOR PROSTITUTION.

11. (*a*) Whoever detaining any woman or girl against her will,

(i) in any house, room, or place in which the business of a common prostitute is carried on, or

(ii) in or upon any premises with intent that she may have sexual intercourse with any man, other than her husband, whether with any particular man or generally,

shall be punished with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Presumption thereof.

(*b*) Where a woman or girl is in any house, room, or place in which the business of a common prostitute is carried on, or is in or upon any premises for the purpose of having sexual intercourse referred to in sub-clause (ii), a person shall be deemed to detain such woman or girl in such house, room, place or in or upon such premises if, with intent to compel or induce her to remain there, such person withholds from her any wearing apparel, personal ornaments or other property belonging to her; or, where wearing apparel, personal ornaments, other personal property, or money has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel or personal ornaments or other personal property so lent or supplied, or for the recovery of such money.

BAR OF CERTAIN LEGAL PROCEEDINGS.

12. No civil suit shall lie, and no proceedings whether civil or criminal shall be taken, against any such woman or girl or against any person on her behalf, by or on behalf of any person occupying or managing or acting or assisting in the management of any such house, room, place or premises, for the recovery of any wearing apparel, personal ornaments, or other property, alleged to have been lent or supplied to or for such woman or girl or to have been pledged by or for her or for the recovery of any

money alleged to be payable by or on behalf of such woman or girl.

PUNISHMENT FOR KEEPING A BROTHEL OR ALLOWING PREMISES TO BE USED AS A BROTHEL.

A

13. (i) Any person who—

(*a*) keeps or manages or acts or assists in the management of a brothel; or

(*b*) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or

(*c*) being the lessor, or landlord of any premises or the agent of such lessor or landlord, lets the same, or any part thereof, with the knowledge that the same or any part thereof, may be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof, as a brothel;

shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees.

Punishment for Subsequent Offence.

B

13. (ii) Any person who, having been convicted of an offence punishable under Section A, is convicted of a subsequent offence punishable under the said section, shall be punished with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and may in addition to such punishment, be required by the court to execute a bond, with sureties, for his good behaviour for such period not exceeding three years, as the court may direct, and in default of executing such bond, may be imprisoned for a period not exceeding six months in addition to the punishment awarded in respect of his offence.

Determination of Tenancy of Premises on Conviction for Permitting use as a Brothel or for Purposes of Habitual Prostitution.

C

13. (iii) (*a*) On conviction of the tenant, lessee or occupier for any offence under Section A, clause (*b*), the landlord or lessor shall be entitled to require the person so convicted to assign the lease or other contract, under which the said premises are held by him, to some person approved by the landlord or lessor, which approval shall not be unreasonably withheld, and, in the event of the person so convicted failing within three months to assign the lease or contract as aforesaid, the landlord or lessor shall be entitled to determine the lease or other contract, but without prejudice to the rights or remedies of any part to such lease or contract accruing before the date of such determination.

(*b*) If the landlord or lessor determines a lease or contract of tenancy under the provisions of sub-section (*a*), the court which has convicted the tenant, lessee or occupier may make an order for delivery of possession to the landlord or lessor within such time, not being less than seven days, as the court may direct. The order shall be served on the person against whom it is made in the manner provided in the Code of Criminal Procedure for service of a summons, and if such person fails to comply with it, he shall be punished with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees.

(*c*) If the landlord or lessor after he has received notice in writing of such conviction fails to exercise his rights under sub-section (*a*) and consequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have abetted that offence, unless he proves that he has taken all reasonable steps to prevent the recurrence of the offence.

(*d*) Where a landlord or lessor determines a lease or other contract under this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person, without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence

of any such offence, he shall be deemed to have failed to exercise his rights under the provisions of this section and any such offence committed during the subsistence of the subsequent lease or contract shall be deemed, for the purpose of this section, to have been committed during the subsistence of the previous lease or contract.

Arrest without Warrant.

14. (*a*) Any Police Officer, not below the rank of an Inspector on information, and, if the offence is committed in his view, any Police Officer specially authorised in this behalf by the District Magistrate, may arrest without a warrant any person committing an offence punishable under Section 3.

(*b*) Any Police Officer, not below the rank of an Inspector, may, without an order from a Magistrate and without warrant, arrest any person who has been concerned in an offence punishable under Section 11, or against whom a reasonable complaint has been made or credible information has been received, of his having been concerned in an offence under sub-section (*c*) of Section 13 (i).

Power to Enter Premises.

15. If the Magistrate or the District or a First Class Magistrate or the District Superintendent of Police or Assistant Superintendent of Police, holding jurisdiction in the area, for the purpose of ascertaining whether an offence punishable under Sections 5, 6, 7 and 11, has been or is being committed in any building, enclosure, room, place in which he has reason to believe that any woman or girl is living in respect of whom, an offence punishable under Sections 5, 6, 7 or 11 has been committed, may either himself enter or by his warrant give authority to any Police Officer, not below the rank of a Police Inspector, to enter with such assistance as may be found necessary, by night or by day and by force, if necessary.

Any Police Officer, not below the rank of an Inspector, authorised in this behalf by the District Magistrate by special order may, for the purpose of ascertaining whether an offence punishable under Sections 5, 6, 7, 8 or 11 has been or is being committed, enter without a warrant, any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence

punishable under Sections 5, 6, 7, 8 or 11 has been committed.

OFFENCES TRIABLE BY CERTAIN MAGISTRATES ONLY.

16. Offences punishable under Sections 5, 6, 7 or 8 shall be triable by the Courts of Session, City Magistrates and Stipendiary Magistrates of the First Class only.

Statement of Objects and Reasons.

At present, there is no law in Mysore to suppress immoral traffic. There is a considerable volume of public opinion in the country desirous of introducing legislation in this important matter. Hence the Bill is prepared for the acceptance of the legislative bodies in Mysore. As the Bill that was introduced in 1932 in this behalf was not approved, some changes have been made in this Bill so that it may meet with the approval of the Assembly and then the Legislative Council.

The Bill contains the following provisions :—

Section 1—

(*a*) Describes the title of the Regulation.

(*b*) Describes the area where the different provisions of the Bill will be in operation and also describes the power to be reserved to Government about the extension of the different provisions of the Bill, from time to time to different parts of the State.

Section 2—

Definition of the various terms used in the Bill is given.

Section 3—

Provides punishment to persons who allure people for purposes of prostitution.

Section 4—

Provides punishment to those who entertain prostitutes in places of amusement.

Section 5—

Provides punishment to persons who abet prostitution and also live on the earnings of prostitutes kept by them for business.

Section 6—

Provides punishment to persons who procure or cause to procure girls or women for employing them as prostitutes.

Section 7—

Provides punishment to persons who import females for employing them as prostitutes.

Section 8—

Empowers Magistrates to issue orders for the removal of minor girls from brothels.

Section 9—

Empowers Magistrates to order the keeping of minor girls in Rescue Homes or in the custody of relatives until they attain the age of 21.

Section 10—

Provides authority to Police Officers to keep the rescued girls in Rescue Homes until they are produced before Magistrates.

Section 11—

Provides punishment to persons who detain females without their consent for the purposes of making them lead lives of prostitutes under them.

Section 12—

Absolves the females entertained in brothels from all civil and criminal liabilities with regard to the properties, *viz.*, ornaments, etc., that had been lent to them or given to them for keeping them under bondage in the brothels.

Section 13—

(*a*) Provides punishment for keeping a brothel or for allowing any premises to be used as brothel.

(*b*) Provides enhanced scale of punishment to habitual offenders.

(*c*) Provides for the determination of tenancy of premises on conviction for permitting use as a brothel or for purposes of prostitution.

Section 14 –

Provides for arrest of persons guilty of offences under various sections in the Bill without warrant.

Section 15—

Empowers certain officers to enter premises for purpose of ascertaining whether offences under certain sections are committed there are not.

Section 16—

States by what Magistrates the offences under this Regulation are triable.

Printed by the Superintendent at the Government Press, Bangalore.

12. Bill to enforce Legislation Suppressing Immoral Traffic in the Mysore State.

(a) *Motion that the Bill published under Rule 7 of the rules of business be read in Council.*

Mr. D. S. MALLAPPA.—Sir, I beg to move that the Bill to enforce Legislation suppressing Immoral Traffic in the Mysore State, published under Rule 7 of the rules of business be read in Council.

I am thankful to the Government for having kindly extended their support, at the time of seeking permission to introduce the bill before this House. This bill was placed before the Representative Assembly and the Representative Assembly have accorded their whole-hearted support. It has the support of the public also. The district boards and the municipalities were consulted in the matter by the Government and they have expressed their sympathy with the principles of the bill. The Ladies' Conference, although it is backward in many respects and is still holding its deliberations in *purda* and is yet unprepared to support the Child Marriage Bill, has whole-heartedly supported this measure. Public meetings held at Shimoga, Tirthahalli and elsewhere have also supported this bill. All these show that the public are alive to the necessity of introducing a measure of this kind to check the growing evil of immoral traffic.

This bill aims at putting a stop to the immoral traffic, *i.e.*, the traffic carried on in women for immoral purposes in the State. The Vigilance Association and other Associations which are carrying on work in this direction have investigated this question and it is found that in the City of Bangalore there are as many as 270 brothels and in the City of Mysore not less than 100 brothels. In these brothels many innocent girls are kept for immoral purposes and the benefit is derived by some unscrupulous people who are in the line. This bill aims at putting a stop to that evil trade.

In the first clause of the bill, I have stated the title of the bill and the extent to which it applies. Certain Sections of the bill come into operation throughout the State, *i.e.*, Section 6 that deals with Procuration and Section 12 barring certain legal proceedings against women who will have borrowed money as the inmates of brothels and also who will have been given some ornaments and other personal necessities to consent to be the inmates of the brothels. Section 13 deals with punishment for keeping a brothel or allowing premises to be used as a brothel. This Section also extends to the whole State as also Section 16 which deals with Magistrates who are to try the offences punishable under this Regulation. Only these Sections apply to the whole State and the rest apply to the Cities of Bangalore and Mysore where the evil is rampant.

In the second section, definitions of certain words that are used in the Regulation are given. In Section 3, solicitation and the manner in which it is done is described. In Section 4, prostitution in places of public amusement where the prostitutes are kept for the purpose of alluring people is described. Section 5 makes punishable living on the earnings of prostitution. In Section 6, it is provided that procuration is to be punished and according to Section 7, importing women or girls for purposes of prostitution is made punishable. In the next section, it is stated that girls below the age of 18 when they are found to be in the custody of any man, are to be rescued by the police and the police officer who may enter the premises for the purpose of rescuing the girls from the dishonoured houses is also defined. Section 9 provides for commitment to suitable custody, that means to keep those rescued girls below the age of 18 in the rescue homes till they attain the age of 21 and there to look after and protect them. Section 10 deals with intermediate custody of the girls removed from brothels, etc. It is provided here that these girls should not be kept in the police custody and that they should be in recognised rescue homes or in the custody of relatives. In Section 11, unlawful detention of women for prostitution is made punishable. After that, presumptions are described so that it may be helpful for the prosecutors to bring to book the culprit. Section 12 provides for the bar of certain legal proceedings,

i.e., in order to induce a girl to be an inmate of a brothel, if he advances some money, ornaments, clothes, etc., for the girl. If the girl is rescued from the place, the brothel-keeper is made not to proceed against the girl for the recovery of those properties and even if he proceeds against her for the recovery of those things, he is debarred from getting them back.

In Section 13, brothel-keeping is made punishable. The letting out of premises for the purpose of brothel-keeping and also after due punishment the continuance of renting out the house for the same purpose, is made punishable. In Section 14, it is laid down when a police officer can arrest a person without warrant. In Section 15, when and how, permission to enter the premises where these unfortunate girls are kept is to be obtained is described and all necessary safeguards to protect the interests of the public are made here. They should obtain a warrant from a Magistrate to enter the house and only certain officers not below the rank of an Inspector or a District Magistrate could enter the house without warrant. Section 16 deals with the Magistrates by whom the accused under this bill are made triable. These are the main provisions of the bill.

So far as the necessity for this bill goes, I need not at this juncture say much because the Members of this august House know how very important it is to have a legislation of this nature. It is a well known fact that many progressive States have already enacted similar measures and they are thinking of making those legislations much more stringent than what they are now to put down the evil effectively. I do not say that by legislation we can altogether wipe out this evil ; but we can to a great extent minimise it. Public opinion also should be strengthened in this matter so as to enable the law to operate very well. For that matter every effort should be made by public workers in the State.

Some of the sections are very necessary and they are not to be found in other enactments of the State. Some of the provisions of this bill exist in some of the Regulations that are current in the State, *viz.*, about shutting out of brothels, there is a provision in the Municipal Regulation. But, for that it is necessary that the public residing in the particular street should first complain. Moreover, if the Magistrate or other authority orders the closing down of a brothel, nothing prevents the brothel-keeper from opening it in a different street. Soilcitations and other offences are punishable under the Police Regulation ; but they are not properly described therein and it is very hard to prove them in the courts. Moreover, sometimes they and some of the provisions in other Regulations are more stringent than the provisions of this bill. Certain provisions do exist in the Indian Penal Code but they refer only to interference with minor girls and married women. If a man, in order to set a woman for immoral purpose, allures her

of immoral traffic was rampant in the Cities of Bangalore and Mysore. That seems to be rather a reckless statement. It is a slur on the Cities of Bangalore and Mysore. And then he gives the figure 270 as representing the number of brothels in Bangalore. May I ask Mr. Mallappa if he has ever taken the trouble of making a survey of these brothels ? Similarly, may I ask my friend if he has taken the trouble to go to Mysore and find out that there are as many as 100 brothels trading upon this undesirable business ?

Mr. PRESIDENT.—You admit the existence of the evil, don't you ?

Mr. MAHOMED ABBAS KHAN.—Ever since the world came into being, there has been this evil.

Mr. PRESIDENT.—You must make some attempt to arrest it. That is the object.

Mr. MAHOMED ABBAS KHAN.—In our attempt to arrest it, we may indirectly spread it over a larger area. That is my apprehension.

Mr. PRESIDENT.—That is rather a misapprehension, I think.

Mr. MAHOMED ABBAS KHAN.—The working of this measure in the Cities of Madras and Bombay, as far as we have been able to gather the information, has not been effective. On the other hand, it is said that those who are in settled houses run about and seek shelter in good families. Then there is the chance of the contamination spreading to the neighbours. The mere appearance of police officers is enough to scare them; they will simply run away. Where do they run ? Now their houses can be kept under vigilance ; the inmates may be subjected to medical examination or some such supervision as was formerly being done.

Sir, I have once before submitted that there have been certain provisions in the Municipal Regulation, in the Police Regulation and in the Indian Penal Code. The hon. Mover of the bill has said that the provisions of the Indian Penal Code refer only to minor girls. Certainly not. They refer to grown up girls and women also. When against their consent they are forced into this, it is a crime. They cover also a number of offences such as abduction, enticing away married women, etc., which might be brought into operation. The prevention of this traffic depends upon them entality of the citizens. If they really feel that such a thing is taking place in a particular area or place, they can have recourse to the Municipal Regulation or the Indian Penal Code or they could seek remedy under the provisions of the Police Regulation.

Mr. D. S. MALLAPPA.—Will the hon. Member enlighten us whether during his presidentship of the Bangalore City Municipality he moved in the matter ?

Mr. MAHOMED ABBAS KHAN.—It is not for me to answer the question. When a certain definite proposal is put before us and a statement is made by a responsible Member that there are 270 houses of this kind, it is I who am entitled to ask him whether he has made a real

Mysore. There will be some justification if he asks that this should be introduced in Shimoga and Tirthahalli. Why should he make a jump over to Bangalore and Mysore ? No meeting has been held by the citizens of these two Cities. The Municipal Councils have not passed resolutions to that effect.

Under these circumstances, I oppose the bill.

Rajasabhabhushana Diwan Bahadur Mr. K. R. SRINIVASA IYENGAR.—Sir, I wish to say that I approach this motion with an absolutely open mind. If I am convinced or made to understand that the vices and the evils which this bill is intended to prevent are prevalent to a very large extent or even to an appreciable extent, I shall certainly welcome heartily a measure of this kind, though with regard to some detailed provisions of the bill there may be difference of opinion which may, however, be examined later on at the Select Committee stage. The question now is whether these evils are really prevalent on a large scale or even on an appreciable scale. The Mover of the bill has given certain figures to show the existence of a number of brothels or houses of ill-fame; and it has been mentioned that these evils are largely prevalent particularly in the Cities of Bangalore and Mysore. I should like, sir, either the Mover of this bill or any other member here who is competent to speak on the subject, to enlighten me as to whether this subject has come at any time before the municipal council of either the Mysore or Bangalore City. Naturally, the municipal councilllors are the persons who are most interested in the welfare of these Cities and who are competent to express an opinion about the prevalence of this evil therein on a large scale or otherwise. We have to-day in this Council the present President and two ex-presidents of the Bangalore City Municipality and we have also got here some of the members of the Mysore Municipal Council. I should like them to enlighten this House as to whether this subject of the prevalence of this evil to any appreciable extent in these two cities had ever come to the notice of the councils concerned and whether this subject of the necessity of introducing a law like this into the cities had ever been considered by them and whether any opinion had been expressed by the Councils thereon. If not, I would say that before we introduce a bill of his kind, which particularly aims at the prevention of this evil in these Cities, it is very desirable that the municipal councils of these Cities should be, in the first instance, consulted.

The President just now asked the question: "Has not this evil been prevalent ?" And *Khan Bahadur* Mahomed Abbas Khan answered: "Yes, from the beginning of the world." What the *Khan Bahadur* evidently meant was that prostitution has been prevalent. It is, however, not prostitution, which no legal

enactment can put a stop to, but the evil of immoral traffic in it which this bill is intended to prevent, and certainly we are all interested in preventing it. What I therefore like to ask is: "Is this evil really prevalent to any extent?" Simply because somebody has given some figures, are those figures to be taken as having been accepted as authentic by the representatives of the Cities wherein this bill is proposed to be introduced in the first instance? If there has not been any representation from those Cities for the passing of this bill and if those Cities have not had opportunities of expressing an opinion, I would appeal to the Mover of this motion to defer the introductin of the bill until he has obtained the opinion of these municipal councils; and once he obtains their support, he can urge the need for his bill with all the greater force and press for its being passed by this House.

Mr. A. E. WALDEN.—I would like to convince the House of the need for this legislation in Bangalore and Mysore Cities, as far as I know it. For the last two or three years, the Association of Moral and Social Hygiene in this City has been making investigations. Some people might think that this is purely an organisation of Christian Missionaries, but it is not so. The Association represents all communities and all religions. And this very active committee of ladies and gentlemen have undertaken this investigation with very great trouble and have visited as many houses of prostitution as they could in Bangalore and Mysore.

*Mr. D. V. GUNDAPPA.—May I interrupt the Member and ask him the details regarding the composition of the committee—how many members there are, what are the terms of membership and so on?

Mr. A. E. WALDEN.—I cannot say off-hand, but I know there are about 20 people on the Executive Committee and Mr. Matthan is the President of the Committee. These people, including ladies, have visited more than 60 houses of prostitutes in Bangalore City alone. There is a Council in Mysore which has also visited a good number. I do not know how many. The information obtained shows that in 14 of these houses, there are, on an average, three to four inmates. Many of them are kept there against their own will. They could not possibly escape even if they wanted to; because they are generally under lock and key.

I do not need to say that in every civilised land this traffic is considered as slavery of the worst kind and that every Government, and the League of Nations also, is interesting itself in this--to prevent the evil or at least alleviate the sufferings attendant upon it. I should urge the House that even if there were only six houses of this kind where minor girls were kept in slavery, that would be sufficient justification to put into force this legislation and make it possible for us to rescue those girls. If a girl wishes

to escape from such a house, surely we should do our best to assist her to do so.

There are very many provisions besides that in the bill which, I take it, there is very little time now to go into. One very important point is that satisfactory rescue homes should be provided. I do not think it will be beyond the power of Government to see that there are such houses with responsible guardianship, where these girls should be safe for a time and could be treated medically for a period and then returned to their relatives if they will receive them or, if not, to find some other occupation for them.

I would like to reply to *Khan Bahadur* Mahomed Abbas Khan's point about this bill, that as far as I know, Bangalore City is not any worse than other cities of this kind and probably much better than many other cities. For one thing we do not find these women exhibiting themselves in public in this city in such a way as is the case in other cities. I desire that this bill should come into force immeditetly and so prevent such a thing from happening. They should not be exhibited before the public and made a source of temptation to all the young men who go to schools and colleges in Bangalore. I think it is high time that such legislation is enacted. I therefore whole-heartedly support the bill.

*Rao Bahadur B. K. GARUDACHAR.—I am sorry to have to oppose the bill. I am glad Mr. Walden was kind enough to speak just before me. He has just given out the figure as 60.

Mr. H. C. DASAPPA.—He said that the Council had visited 60 houses.

Mr. B. K. GARUDACHAR.—That means, 60 he was sure of. For information about more, he depends upon others. I am in Bangalore and I know Bangalore better than Mr. D. S. Mallappa who lives in Tumkur. He might have got the information from the police and the other association which is interested in this legislation. I will only say that you can rely on it as much as you can upon police information.

As far as the Municipal Council is concerned, as one responsible municipal member and as a resident of Bangalore for the last 50 to 60 years who knows every nook and corner of the City, I can assure this House that the figure given by Mr. Mallappa is so much exaggerated that we cannot rely upon it even to the extent of 25 per cent. In a city like Bangalore which has got a population of two lakhs and an itinerant population of 20,000 coming from outside every day through trains and buses, having such houses is not strange. As *Khan Bahadur* Mahomed Abbas Khan said, this vice has been in existence ever since the world came into existence. So having such a few number of houses here is nothing very special or extraordinary. As admitted by Mr. Walden, these houses are to be found in every town. From my experience as a non-official visitor of hospitals, I have

FOURTH DAY.

BILL TO ENFORCE LEGISLATION SUPPRESSING IMMORAL TRAFFIC IN MYSORE—(*concld*).

Mr. F. L. SILVA.—I rise to say a few words in support of the Bill before the House. If there is one reason, more than another, which should convince this measure, it is, I think, the reason put forward by my hon. Friend *Rao Bahadur* B. K. Garudachar as a ground for refusing support to the bill. He told us that from personal experience derived from the hospitals in Mysore and Bangalore, he was in a position to say that this evil of prostitution is rampant, much more rampant—I am using his own words—in the villages and in the malnad than in the cities of Bangalore and Mysore. If so, I would remind him that this House has a responsibility for the welfare of the villages just as it has for the welfare of the cities, and so far from opposing this measure I should have expected him to urge this House not only to immediately pass but also to make it applicable to the villages as well. If, as he says, the evil is widespread in the villages, then it seems to me that there is every danger of the villages pouring out this poison into the cities and creating an epidemic here. As a citizen of Bangalore, I have every right to call upon the President of the Municipality to adopt timely measures to protect us from such an epidemic.

There is one clause in the bill, however, which seems to me to be opposed to the very spirit of the measure. Clause 9 provides that in the case of a minor girl who is not received in a rescue home or cannot be made over to a relative it is a condition that she should not be made over to the custody of a body of a different religious persuasion from that of the girl. I believe it is a fact that a great majority of the women who will come under the purview of this section, belong to the Hindu religion. It is also a fact that the Hindu community is not conspicuous for the maintenance of institutions of the nature of homes or orphanages. In any case, generally speaking, I should say that they have not the organisation necessary for maintaining and running such homes. It may also be taken for granted that it will be some considerable time before Government is in a position to provide these rescue homes. Further, it is only a pious hope to expect that such girls will be taken back into their families, at any rate for a considerable time after they have been taken over from these dens and kept in some place like a rescue home. That being the case, what is to become of those minor girls for whom no home can be found immediately? My hon. Friend *Khan Bahadur* Mahomed Abbas Khan asked the same question. But because he was not in a position to answer that question, he said that this measure will be futile. At the same

unfortunate thing. I would like therefore to answer my Friend *Diwan Bahadur* K. R. Srinivasa Iyengar and see whether I could not convince those hon. Members who have got an open mind and who need some information on this point. Investigations have gone on in the two cities of Bangalore and Mysore. I do not think they have gone on very much in the other parts of the State. The main office or association which has taken up this investigation is the Association for Moral and Social Hygiene in Mysore, whose president, I may say, sir, is no less a person than the Dewan of Mysore, your honoured self. Of course the Committee is also very ably represented by other distinguished members. This association has got a branch in Mysore City. The leading lights of this association in Bangalore have been Miss Philips on the one side and Mr. Narasinga Rao Narain, a Member of the Municipal Council of Bangalore City, on the other. He is not a stranger but an energetic member of the Bangalore City Municipal Council. That the ex-president and the present president of the Municipality have not chosen to follow his investigations is a very unfortunate thing. I am sure if they had taken the trouble to attend those lectures which had been organised by him and which had been widely notified to the members of this House also, and if they had only taken the trouble of responding to those invitations, they would have found that the situation was indeed very bad. They wanted to know whether those on the Mysore City Municipal Council were interested in the matter. In Mysore, we have two Secretaries: one is Sister Tomkinson, a very energetic lady and the other a member of the Municipal Council, Mr. P. Sitaramiah. I am disclosing these names only with a view to show the hon. Members of this House that the members of the Municipal Council are keenly alive to this problem and are making honest efforts to acquaint themselves with the situation. The figures given by my friend Mr. D. S. Mallappa, about brothels in Bangalore (270) and Mysore (100) are, I think, the minimum they have been able to get at. If investigation is further pursued I am sure it will disclose a still more startling state of affairs. In Mysore 80 houses have been visited by those interested in the problem and they have been able to find a very appalling state of affairs prevailing in those quarters. I will only mention one instance among the numerous that have come to my notice in my investigations, and that was with reference to a girl who came to the Vani-Vilasa Maternity Institute at Mysore. She was waylaid and got at at a tender age of 10 or 11 by one of the procurers and taken to this trade very early in life. When she was about 14 or 15 she got into touch with a foreign merchant and banker doing business in Mysore. He brought her to the Maternity Hospital for confinement. She came in very poor health and told the Medical Officer

Select Committee. I beg of this House to support the measure.

Mr. D. H. CHANDRASEKHARAIYA.—It is rather regrettable that the gentlemen who spoke yesterday in opposing the measure have betrayed utter ignorance of the actual conditions obtaining in the cities as well as in other parts of the State. Without studying the actual facts and figures from the published reports, they have come to the conclusion that this evil of trafficking in immorality is not prevailing to any considerable extent in the State. So, my first task would be to explain to what extent this evil prevails in our midst. I would in the first place refer to the report submitted by the delegation of the British Social Hygiene Council in 1926 and published by our Government. They visited the State at the request of our Government and conferred with all the medical men including the Senior Surgeon and other officers of the State and ascertained these facts mentioned on page 3 of their report :—

"In Bangalore cases of venereal disease are treated in the Victoria Hospital, in the Maternity Hospital, in the Minto Ophthalmic Hospital and in the Mental Hospital."

"*Victoria Hospital.*—The medical staff state that 5 per cent of all cases admitted to hospital show obvious signs of veneral disease. This does not include late or latent cases, and does not include cases found as a result of their being tested.

Maternity Hospital.—In this institution, it is found that when the blood of patients is tested, 40 to 50 per cent of the cases showed evidence of venereal disease in the tests. This refers to syphilis alone, and does not include possible cases of gonorrhoea.

Mental Hospital.—In this hospital, 34 per cent of the men and 25 per cent of the women show positive evidence of syphilis. It would appear, therefore, that venereal disease is fairly prevalent among the hospital population in Bangalore.

Krishnarajendra Hospital.—Every year there are treated in this general hospital over 1,000 cases of venereal diseases. This refers to active cases only and does not include latent cases of disease in the general wards, nor those treated in special departments such as the Eye Department.

Vani Vilas Hospital.—The staff of this hospital state that they see a considerable amount of venereal disease in the Holdsworth Memorial Hospital, Mysore. Active syphilis is present in 4·6 per cent of in-patients and out-patients, and the amount of active gonorrhoea seen is 8·1 per cent. This refers to active contagious disease and does not include latent cases which may be discovered by the Wassermann test. The medical officer in charge of this hospital states that a routine examination of specimens taken from the cervix of female patients suffering from pelvic disease shows that 75 per cent of them are or have been affected with gonorrhoea. She states that, in her opinion, 95 per cent of the abortions and still-births are due to syphilis and that this disease must be responsible for a great number of pre-natal and neo-natal infant deaths. She further states that among the prostitutes, the disease is very bad."

This information is from the report of the delegation of the British Social Hygiene Council who made an expert study of the conditions in our State. A second source from which information on the subject could be gathered has already been referred to by Mr. Dasappa. The Mysore Moral and Social Hygiene Association have studied this subject very carefully since 1929 and published

and therefore Madras and many other provinces in India have adopted legislation on the lines now recommended here. In fact a conference was held recently in Madras under the presidency of the Lord Bishop of Madras and that conference was opened by His Excellency the Governor and many people of name and fame attended it. They all emphasised the great need for this legislation and provided the work which has been done under the *aegis* of this legislation in Madras. Even the British Delegation to which I just now referred, have clearly stated the necessity for undertaking legislation of this kind in our State. They say as follows :—

" ....It is recommended that as soon as public opinion would support such a step, it should be made illegal for any third party to benefit from the proceeds of prostitution. This would entail :—

(*a*) making brothel-keeping an offence ;

(*b*) penalising owners of property used for purposes of prostitution ;

(*c*) making solicitation by a third party of either sex illegal..... " (page 29, Report of the Delegation of the British Social Hygiene Council, 1926).

So, the necessity of such a legislation even in Mysore has been emphasised by experts who made a study of the conditions obtaining in Bangalore and Mysore and submitted their report in 1926. Another objection put forward is that we will be playing innocent girls and women into the hands of the police and thereby giving them an opportunity to infringe on the individual liberties of these poor and innocent persons. This is rather too much to say. What is provided in the regulation is that only Police Inspectors and those above them are authorised to the action under it. Further, it may be provided in the bill itself that whenever a police officer makes a raid into any home he should be accompanied by a responsible official of any recognised association. That is exactly what is taking place in Madras and therefore they have not felt any difficulty about the abuse of powers on the part of the police.

As regards rescue homes, the bill provides for their establishment, and unless that is done, the proposed bill may not come into force. It is not intended that when once the women are rescued from houses of ill-fame they should be let loose in the streets. In fact before this Regulation is brought into force it is expected that some rescue homes will be brought into existence. I am sure that the Moral and Social Hygiene Council in the State will open such rescue homes whenever wanted.

Mr. T. RAMACHANDRA.—They have already opened some.

Mr. D. H. CHANDRASEKHARAIYA.—I am glad to hear that they have already opened some rescue homes. And there are also other public bodies, like the Civic and Social Progress Association, and the Women's Conference which are working for the welfare of the people and when the need comes they will certainly come forward to open such institutions.

It was said yesterday that there is no need for this bill because there are not sufficient number of prostitutes present either in the cities or in the mofussil places. In the first place, I do not agree that this bill should be introduced only when the number is large. On the other hand, it is only when it is in a growing or early state that such a step should be taken. Prevention is much better than cure. Apart from the fact that there are a sufficient number of prostitutes, and admitting that there are not a sufficient number, there is need to undertake such a measure. We must nip the evil in the bud.

As pointed out by Mr. Chandrasekharaiya the bill aims at four important measures: to put down open solicitation; to prevent trafficking in young and innocent girls; to punish those who run brothels; and to punish those who live on such a vice. I am sure that none of us will approve of these things being carried on by any human being. The first measure is solicitation in open streets. I am sure no person with self-respect would like to be solicited in the open street. It is simply a nuisance. It is the solicitors that are the most dangerous fellows. There is nothing wrong in putting down such a nuisance. Trafficking in innocent girls: this is also a thing which should be put down. Many young girls are doomed and when once they enter the danger zone it is impossible to reclaim them to society. This is a very dangerous vice and I am sure every one of you will agree to the introduction of this measure.

One last word: some doubt has been created in some persons regarding rescue homes. It is believed by some that this is a manœuvre on the part of some persons for converting and it is believed that the girls rescued may be led away by missionaries and compelled or induced to adopt another religion. In the absence of any such institution opened by the Hindus or by the Government, I think the next safe thing is only that course. I would ask the gentleman who opposed such a thing: "Has a girl who leads the life of prostitution got any religion at all? Or if she is rescued from a brothel, are there any Hindu houses or even her own parents who are likely or willing to take her back? Is there any Hindu institution which can tolerate this?" In the absence of such a thing it is better to entrust them to such an institution which is willing to take them. I must also say, simply because a missionary movement may take charge of such girls it does not mean that they are going to lose their religion. Or it may be that the missionaries also may not be very particular to convert them. We have got so many missionary colleges, schools and societies. We have been sending our boys to them. Are we in any way afraid that they are going to change their religion? Are missionaries in any way trying to convert them? I must publicly acknowledge that missionaries have been doing good in our

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country in so many ways. We must recognise their services in their true spirit and not attribute motives. So we must not suspect the offer of missionaries to take charge of such institutions in our country, at any rate till we make all the necessary arrangements. On the other hand, evn if there is an attempt, it is better that these girls live a pure and good life as Christians rather than live a life of misery as prostitutes within the Hindu fold. I may also point out that under ancient Governments this vice was viewed very seriously and very stringent punishment were being meted out not merely to the principal offenders but to all others associated with them. In fact, in those good old days, I do not think this vice was practised to such an extent. But now in these days it has been made a profession. So many have been living on it. Many young girls have become victims to their greed. When even in those days the governments took steps to prevent this vice, modern Governments cannot afford to be lethargic. I hope this vice will be put down in the interests of society.

*Mr. D. V. GUNDAPPA.—Language of much indignation has been employed in the course of the discussion on this bill. Gentlemen have appealed to our sense of morality, sense of humanity, sense of decency, and so on. It should however be evident to all that appeals of this kind are merely efforts to convert the faith. I think it is obvious that all of us here agree about the necessity for maintaining very high standards of public morality and about the necessity for doing all that we can for maintaining public purity. I think these are questions which need not be canvassed on the floor of this House. Then, a certain amount of angry remarks have also fallen from some with respect to their opponents. Remarks have been made to the effect that facts have not been studied, that reports have not been looked into, that lectures have not been attended and so on. I think in ordinary courtesy it is due to us that we all go here with a proper sense of responsibility, trying to do our work according to our own best lights. It may be that we do not quite agree, but it may not be fair for others to charge us with ignorance or deliberate desire to ignore points.

Having made these preliminary remarks, let me submit that I am one of those who really could be taken as persons who keep an open mind. I do not think Members will say that I am altogether impervious to their arguments or to new ideas. But frankly, I have not heard, in the course of the speeches, any new argument or new piece of information in support of the bill since the speeches we heard on this measure on the last occasion.

Mr. M. RAMACHANDRA RAO SINDIA.—What information do you want?

Mr. D. V. GUNDAPPA.—The first kind of information that is necessary is that, the lack of which was deplored by my

Mr. D. V. GUNDAPPA.—I honour the delegation and I am grateful to the Dewan for having invited the Delegation to Mysore. I am thankful that the Delegation did give some of its attention to the affairs in Mysore. But I certainly cannot use the word "investigation" with reference to the labours of that Delegation in Mysore. It stayed here for a couple of days, went about Bangalore and Mysore, saw one or two premier medical institutions. But I certainly will not call it an investigation, and I am sure the Delegation would not claim for its findings the validity and the authority that is due to a scientific investigation. Now, it is well-known that hospitals in the City of Bangalore are peopled very largely by patients coming from outside the State of Mysore. More than half in the Victoria Hospital and in the Minto Hospital contribute figures from beyond Mysore, and of the rest, a goodly proportion is contributed from the villages. All the patients in the Victoria Hospital are not citizens of Bangalore. A great many are non-Bangaloreans. Similarly in Mysore hospitals. So that, the significance of statistics of venereal diseases so far as they are relevant to the purpose of this bill is very little. I am not questioning the authority of the Delegation. I am not doubting the prevalence of venereal diseases. I am simply stating that facts quoted from that report are not very relevant and very helpful to this matter. My own reading of the motive behind this bill is the impatience and great anxiety of certain fine souls and certain very highly evolved souls to establish the Kingdom of Christ in our midst. I am one of those who honour, like my hon. Friend Mr. Imam, associations and individuals carrying on the work of Christ. I do not think there is any necessity for me to protest against that. But while I honour the Christian motive, I must say, as a worldly being that I am, that I have a distrust of impatience and fanatical anxiety which, however, are the very strength of the missionaries. What is their strength is their weakness from the point of view of the average common man. I am but a common man. They are all too much in a hurry to establish the Kingdom of Jesus in our squalid surroundings. My appeal to them is that they must go slowly, a little more slowly. The evil is in existence. I will not dogmatically say that we have not the evil in our State at all. But I venture to state that the evil is not so rampant, so prevalent, as to justify such a serious action on the part of the State as the enactment of a law.

Now, what does the law propose to do? It proposes to throw two kinds of burden upon the Government. It does nothing more. Firstly, it puts more responsibilities upon the shoulders of the Police and the Magistracy. Secondly, it places upon the shoulders of Government the responsibility of finding

responsibility for Government in this connection. They have got to recognise rescue homes. That is to say, they have got to stand guarantee for the wholesomeness of the atmosphere, efficiency of the management and soundness of the principles of a rescue home. Will the Government do that? These are definite responsibilities thrown upon the Government.

At an earlier stage, the present First Member, speaking on behalf of Government, stated that Government were satisfied that a *prima facie* case had been made out for an examination of the matter. He took care to add that Government did not commit themselves either one way or another to the provisions contained in the bill. That is perfectly a correct attitude to take, if I may say so. Now that Government have accepted the responsibility for looking into this matter, it is proper that they should be given some more time to investigate it further and state to us plainly whether in their judgment there is need for such a legislative measure and, if there is, whether they are prepared to shoulder all the consequences of such a legislation, *viz.*, either creating themselves or finding through private agencies rescue homes. I think an answer on this point is very relevant and very material to our making up our own minds in regard to this bill.

Mr. D. H. CHANDRASEKHARAIYA.—You have no opinion of your own?

Mr. D. V. GUNDAPPA.—If Government, in the first place, say that there is need for this legislation and, in the second place, are prepared to say that they are going to undertake the consequences of such legislation, I should certainly support the measure. But that time is not yet. Government have not stated their case.

Mr. D. H. CHANDRASEKHARAIYA.—Is that the attitude you take about all private legislation?

Mr. D. V. GUNDAPPA.—That is a hypothetical question. My attitude on each bill will depend upon the circumstances of the bill. In regard to this bill my attitude is this. Friends have asked me: "Where is there any harm in introducing this bill? Let us have it on the Statute Book. If it is nothing else, it is a pious wish." My reply is twofold. There is an evil in having a needless law of this nature. If you are going to have all harmless laws on the Statute Book, you may have the entire book of Aesop's Fables as law. We are not only considering innocuous and harmless laws. We are here to turn out laws which will prove to be effective and beneficial. If so, what will be the possible effect of such a legislation. It seems to me to be twofold. Firstly, it will besmirch our name unnecessarily. It will show for all time that here was a State, a "progressive" and "model" State, in which the evil of prostitution and procuration was really rampant and nobody thought of it, nobody recognised it, until a good man arrived on the scene

and called attention of all men and women to it.

Mr. H. SIDDAIYA.—A fine way of arguing!

Mr. D. V. GUNDAPPA.—I shall not give room, if I can have anything to do in the matter, for such a law. But that is a minor matter as compared with the next matter. It will give us, all of us, a salve which we can very easily apply to our conscience. When there is evil going about really, as it is now imagined to be, when it is stalking in the streets, we can say: "We have done our best; we have put a law on the Statute Book; what more can we do?" If nothing happens, you can blame the police: "Here is a police which takes no notice." If something happens, "Oh! here is a police, over-zealous, which will not leave people in peace—a wretched police." In either case, we blame the Government and either case, we blame the Government and feel satisfied that we have done our duty. This weakening of the social conscience is about the worst evil that could happen and no kind of legislation should be started which would weaken the social conscience. You were pleased to ask: "Should we not offer a remedy, if the evil is there, even to a slight extent?" Mr. Walden said: "Even if there is one single case which is unfortunate and deserves attention, it is the duty of the State to interfere." I agree. But then, how? The course is for the private social worker to be energetic. For the Moral and Social Hygiene Association to grow, it must first create a social opinion. Have they, I ask, attacked the President of the City Municipality to put Section 184 or so in motion? How often has he been called upon to do so? Have they gone about the streets making an appeal for the abolition of this evil?

Mr. T. RAMACHANDRA.—Yes.

Mr. D. V. GUNDAPPA.—But the results are not apparent. The implication is not that they have failed but that they have got to do it, yet more and still more. It wants intensive work. Mr. T. Ramachandra Brahmachari very kindly put into my hand this report of the Conference that took place very recently in Madras and to which reference was made by my friend Mr. Chandrasekharaiya. What does His Excellency say in the course of the report?

> "All too often the result has only been to turn a number of unhappy women loose upon the streets with no alternative but to go on with the practice of their profession in more clandestine ways...."

These are the words of His Excellency Lord Erskine.

Mr. D. H. CHANDRASEKHARAIYA.—It will be advantageous to you to omit the other portions!

Mr. D. V. GUNDAPPA.—I shall not be anxious to derive such advantages. I shall leave such opportunities to my friend. I could read on and on, but I am afraid listeners will reject it as irrelevant.

It will not be fair to ask Government to shoulder these responsibilities. Then

I ask, "Are our public men prepared to take this challenge? Will they undertake to run efficient institutions according to the religious persuasions of the people in a healthy and wholesome atmosphere?" If they will do it, if any non-official gentlemen will come forward and say it, here is my vote for it. Sir, it seems to me that the entire matter on this subject was put in a nutshell by Sir Bhupendranath Mitra which has been quoted in this very same report :—

> "I have no doubt that our conscience is fully alive to the need for eradication of such evils. (He is speaking for the whole country.) I can assure the conference that all India including Mysore, regardless of race and creed, desires to co-operate in the work of social regeneration.....We Indians recognise that social evils exist in all lands—in our own as well as others...."

This is his view, put in a very brief compass. Let non-officials show their preparedness and their seriousness. I am not speaking of non-officials here in this Council. They know me to be a very humble man. I am not offering to them any challenge. I am not throwing any gauntlet for them to pick up. Let non-offiicals throughout the State, let municipal councils, first declare that the evil is prevalent and action is urgently called for. Even if it is action which will cost thousands of rupees or even tens of thousands, I have no hesitation to say that Government will have to take it up. If, for example, the municipalities of the two Cities of Mysore and Bangalore are persuaded to officially declare that there is need for some action of this kind, I do not for a moment doubt that Government will be bound to take notice of such a position. But until there are sure signs of the provision of rescue homes, let us wait. I therefore appeal to the learned mover—following the better example of *Diwan Bahadur* K. R. Srinivasa Iyengar—that he may for the present be content to leave the matter in the hands of Government. I may also submit for his consideration another view. The drafting is full of errors. If my friend will not take offence at such a remark, the drafting seems to me to require looking into. Since the practical burden of administering this measure will ultimately devolve upon Government, it is only fair and proper that Government should have a hand in drafting the provisions of this bill. Therefore I would appeal to him that, for the present, he may be content to leave the matter in the hands of Government, taking their assurance that they will investigate this matter carefully; and if they feel that action is necessary on the lines suggested in the bill, I am sure they will bring up such a measure. Therefore, I am afraid, in its present form the bill does not command my support.

At this stage the Council adjourned for lunch and reassembled at 3-30 *P.M.*

Mr. T. RAMACHANDRA.—Sir, I have carefully listened to the various speeches of the hon. Members of this House and especially of those who have taken the attitude of opposition to this bill. Some hon. Members said that it is an immemorial custom. But I do not know whether they would also equally say that this custom should be perpetuated and perpetuated in the manner in which it is being done to-day as a commercial vice. I hope, Sir, that no hon. Member will agree that any cultured nation should now allow this traffic to go on as a regular trade. The hon. Member *Diwan Bahadur* K. R. Srinivasa Iyengar wanted definite information as to the existence of this evil and he said that if even to an appreciable extent the existence of the evil could be shown to him, he would give his support to the bill. I have before me the day-to-day diary of the workers engaged in the investigation of this traffic. They are workers in the field of moral and social hygiene. A lady from this Association goes to visit the houses of these unfortunate women every day. For this purpose the Association has selected 29 areas in the city of Bangalore. The life history of the girls entrapped there is noted in the diary. Let it be remembered that this diary has not been prepared for the sake of discussions in this Council. It is prepared with a view to see what help could be rendered to those unfortunate girls. The hon. Members may ask "How did you get this information; how did they confide it to you?" The lady visitor goes there to give medical relief to those unfortunate girls and if I place before you the heart-rending stories of how the girls are being used as many as a dozen times a day as a prey to the bestial passion of man, how these unfortunate girls weep and cry, then you will know why they need the help of someone who can visit them and take them to the hospital. In the course of medical assistance, it was ascertained that these young girls came from places like Kollegal, Hosur, Salem, Chintamani, Tarikere and various other places to Bangalore. These are not prostitutes by individual or hereditary profession but they are entrapped inmates in the clutches of brothel-keepers. I have before me here the day-to-day diary and also a note book which summarises the whole thing which I can place before any member of this House if it is wanted. From the records here you will see that there is the case of a young girl who has been rescued from a brothel and admitted only last week into the E. D. Hospital in the Magadi Road. If any hon. Member of this House would visit that hospital and ask her, she will give the pitiable story of how difficult it was for her to leave the brothel and come to the hospital. Some of the hon. Members said: "Why not start rescue homes and then ask for legislation?" I am glad that they have used the word 'rescue homes.' It is not an easy thing to rescue a single girl from the clutches of

the procurers. They are kept in actual dens. They are in the grips of men and women trained in the art of keeping these girls in perpetual slavery. This very question had been raised by the members of the Madras Legislative Council: "Start rescue homes and then come for legislation." These procurers who are trading in this vice, these owners and managers of the brothels and these women who are the brothel-keepers, have developed such an art that they will not allow a single victim of theirs to escape their clutches. We are fortunate that the Association here has opened a rescue home since the last three months in the premises of the Asakta Poshaka Sahba in the Visvesvarapuram Extension. If any hon. Member would kindly go and hear the stories of girls and especially of the girl who has been rescued only last month, he would come to know how she had to be purchased by paying back 18 rupees, the worth of the saree and the little trinkets given to her by the brothel-keeper. These girls are made as slaves and sold. The list which has been shown to the House contains a number of names of those who have been carrying on such a trade in Bangalore City. We have here in this list girls of the age of 10, 12, 14, 16 and so on, kept in these houses. These children are brought there, I am told, because children are valuable as future assets for this trade. I have myself gone with the Secretary of the Social and Moral Hygiene Council and seen these children in the home of these vices. I know how they are kept there and in what wretched life they live. I am not exaggerating anything. I am convinced that the evil is existing in Bangalore. It is not that I have stood up here to show that Bangalore is a bad city, is an immoral city; but, sir, the evil is existing here as it is existing in other parts of the country and the world over, and the evil has got to be checked. For example in the Regional Conference at Madras to which the hon. Members have already referred, a question was asked in respect of municipalities where the law has been applied, as to the number of women affected before the Act was passed and the number after the Act was passed. Here is the answer: We find that in Trichinopoly there were 68 women who were carrying on this traffic, and after the Act was passed, there were only four.

In Madura, there were 350 and now 220.

In Kumbakonam, there were 500 and now 250.

Now, sir, we find in various places—Bezwada, Cocanada, Rajahmundry, Tanjore, Coimbatore—the municipalities themselves have asked for the enforcement of this Act. It was said in this Council that the provisions in the Municipal Regulation and the Police Regulation are sufficient to meet the case. I have only to quote what the Commissioner of Police said in the Madras Legislative Council:

"If the Police Section is to be enforced, first of all notice has to be given to the party running the brothel. It is like going to the brothel-keeper and telling him 'Here we come to prosecute you.' The bird flies away to another place."

Unless powers are given to the Police to make sudden raids on these places and catch the culprits red-handed, it is not possible to combat this vice.

Coming to the municipal councils, the hon. Member Mr. K. R. Srinivasa Iyengar asked whether the municipal councils in the State have approved of this special legislation. I know that the Municipal Council of Mysore have, at their meeting held on the 29th September 1934 under the presidency of Mr. B. T. Kesava Iyengar, resolved that they are in full sympathy with the general principles of the proposed measure. Coming to Bangalore City Municipality, I beg to be excused for placing these facts before this House. The Association for Moral and Social Hygiene sent a copy of this bill with a request to the Bangalore City Municipal Council for its being placed before the Council for its opinion. But the reply received after a long gap was that the copy of the bill could not be traced in their office. So the Secretary sent another copy of the bill with a request that the Municipal Council, Bangalore, be kind enough to expedite a reply to his communication. And for that a short reply was received on 23rd July 1935 to the effect that the matter was receiving attention. This is the way, Sir, that the Bangalore City Municipality has sympathised with the move on our part.

Mr. K. T. BHASHYAM AIYANGAR.—And because it is not worth more.

Mr. T. RAMACHANDRA.-Please excuse me. Chamarajanagar, Dodballapur, Malavalli, Sagar, Shikarpur, Shimoga and Tumkur—all these town municipalities—have each of them placed the bill before their municipal councils and accorded their sanction to it, for which I have got the records here.

Now, Sir, there is no fault that the Association have failed to bring this bill to the notice of the Bangalore City Municipality. As regards the evil, I have already shown that there are 29 areas in which there is this vice. Fortunately for our State, under the gracious order of our benign Ruler, His Highness the Maharaja, the system of *Devadasis* attached to temples has been abolished. Thus we are free from the system of hereditary prostitution by *Devadasis* which is a problem in Madras. We have now selected 29 areas with full details of the houses, etc. With the formation of extensions to the Bangalore City, some of these brothel-keepers have shifted to Chamarajapet and Visvesvarapuram and have thus avoided competition in the city area.

Now I come to the next question: Can legislation alone put down this evil? I have myself gone to Bombay both before and after this legislation was enacted there and have observed the conditions. In a place like Bombay

where the vice is very much commercialised and is existing in a very bad form, even there, it has been much controlled. In Madras also it has been very much controlled. Sir, it is not the control of the vice as it exists today that is important but it is the control, safety and moral protection of the generations to come.

The next point I want to impress on this House is that the Regional Conference was not composed of mere social reformers but social workers with actual experience of the problem. There were besides the Presidents of Municipalities in the Madras Province, Commissioners of Health and Police Departmental officials. They were all of opinion that the Act must be enforced and enforced more strictly. As it is, there are loopholes in the Madras Act and these must be rectified. More rescue homes are necessary and if more rescue homes cannot be provided and more girls rescued, I shall ask the mover to request people like Mr. D. V. Gundappa to join the Association and particularly to join the Investigation Committee or the House Committee and come with us and see how with their own hands they can rescue young children. Then only will they know in what condition these girls are being brought up. All the gentlemen, ladies and social workers assembled in Madras said that even third party traders should be punished. This thing was moved by Mr. F. E. James in the Madras Legislative Council. Fortunately for us here the third party procurer has also been brought under the provisions of the bill before us.

I have not got more to say. With all the facts which are placed before the House, with the support of so many municipal councils in the whole State which is here on record, with all the diaries of the workers of the Social Hygiene Council about the houses which have been kept and with all the woeful things, what is required is that this bill should be enacted into law and enforced. In conclusion, I crave the generosity of the Government and also the great help of the Police Department.

One point more. If even now the hon. Members doubt whether the vice is so bad as depicted here, Government may, as was done in Madras, empower the select committee to examine witnesses. In Madras they called upon 50 witnesses to appear before the select committee and give evidence. I hope here also the select committee will be empowered to examine witnesses: police officers, presidents of municipal councils, health department officials and the unfortunate girls themselves, who will certainly be prepared to come with their sad stories—how fruit-sellers and bangle-sellers enticed them. I hope if even the hon. Members who opposed the bill will agree to serve on the select committee, they will see how the actual affairs are and they will then be ardent supporters of this bill. In the interest of the large number of young and innocent girls

absolutely necessary in my opinion, taking into consideration the circumstances of this country, that rescue homes must be undenominational or that a particular rescue home must deal only with the people belonging to the caste or community to which those girls who may come from the neighbourhood belong. That seems to be the most important point. And I think without properly constituted rescue homes recognised—I should say, by Government—there is little use in having this Act. At the same time, there is little good in rescue homes without having a law which allows all the minor girls being taken from the brothels and putting into the rescue homes. The two seem to go together. If there is a law to this effect, there must also be a rescue home.

These are the only points which called for my remarks.

*Mr. K. T. BHASHYAM AIYANGAR.—Much has been said both for and against this bill and if I rise to add my word of opposition to this bill, it is because I feel that certain other practical matters have not been either considered or emphasised in considering the merits of this bill. We have had a very lengthy discussion over this and I shall therefore be very categorical in my remarks.

Sir, the first point is this: the object of this bill is to prevent commercialisation of prostitution. I think I am right when I characterise it as such; because I know, and I can give credit to my friend Mr. Mallappa to that extent that he knew also, that it is impossible for him or anybody to prevent prostitution He very wisely, therefore, says: "I shall not touch this question of prostitution but I shall certainly attack the trafficker, the man who makes money out of prostitution—the man who stands to profit by prostituting somebody else." I quite understand his move but I ask him "What are you driving at? You postulate the existence of prostitution. Prostitution, as you know, cannot be done by one person. It requires two."

Mr. G. CHANNAPPA.—It is a revelation indeed!

Mr. K. T. BHASHYAM AIYANGAR.—Well, if it is a revelation, all I can say is that boys who do not know life cannot speak on this. They ought to know life much better.

The point is this: you want to legislate for society. When you do so, do not imagine you have a clean slate on which you are called upon to draw a picture. Society is not a simple machanism. It is a complicated structure. When you begin to tackle it, tackle it by having the details. You cannot imagine "We shall not tackle prostitution but at the same time we shall certainly prevent the effects of it. What are you therefore doing? You postulate the existence of prostitution which means two parties to it and do you really mean to suggest that these two parties can come together in a moment's notice, that by some magic they will come together in some place? They will naturally insist upon

I ask another thing. You tell me. Mr. T. Ramachandra says that since the introduction of this bill in Madras, the number of brothels has gone down and he has given the figures for Trichy, Kumbakonam and other places. Who got these figures? The Moral and Social Hygiene people. Let the most honest man go and still the statistics collected will not be reliable. You pass a law to say that if a person is a go-between, he will be punished. You go and ask him, "Are you one or not?" He says, "I am not." And you allow him to go. Then you take four honest but stupid people who admit their profession and send them to jail. Is this the kind of figures you want us to rely upon?

Well, I ask another question. What do you mean by 'brothel'? You mean a place where a prostitute lives. When you say that a man shall be punished for allowing a prostitute to be a tenant in his house or a hotel-keeper for allowing a customer who is a prostitute, what are you saying? You are saying that the prostitutes must own houses, which it is impossible because, as our friends say, they are such poor, forlorn, dejected, deplorable, hopeless sort of people. Somebody else must give the house. But nobody will give. For, are you not really aiming at prostitution? Take the definition of "Brothel" as you give it. 'Brothel' means any house, room, or place, or any part thereof which the occupier or person in charge thereof allows to be used by any other person for the purposes of prostitution. Now, when my friend Mr. Ramachandra has got a house to let, some lady wants to live. He asks her "Madam, are you a prostitute? Not that I have any objection to your being a prostitute—because Mr. Mallappa's Bill does not say that I should not allow prostitution but it says I shall be punished if you are a prostitute. Therefore, please give me an index of it." What do you say to the hundreds of thousands of landlords who want their houses to be tenanted? You want them to find out whether a woman is a prostitute or not. Then you have another Section which refers to a man who keeps a hotel or anything of the kind. Poor fellow! How is this hotel-keeper or for the matter of that, the Cinema man, to know the prostitute, if at 9-30 in the night when the lights are out if somebody sneaks in? The Police officer may snatch the Cinema owner and say "You ought to have taken care to see who was in." Supposing he is charged for knowingly allowing her, who is to prove whether he knew it or did not know? You are bringing in a bill in which you yourself is confused about what you want and what you do not want. You want a prostitute but not a trafficker. If a prostitute lives in a house and has a brother and sends a message with that brother, what are you going to do with that wonderful being? Are you going to treat him as a trafficker and punish him or will you

friends. Find out impartially, dispassionately through a society which is not interested in bolstering up the figures. I am not going to say anything against the work of the Moral and Social Hygiene Societies. But I do not accept their figures. Then again these rescue homes will demand a great deal of finance. It will not be possible for the Government to run all these various homes for various religions and keep all these homes efficiently.

My friend Mr. Ramachandra very naively said: "Mysore is a model State. We have already abolished the *Devadasi* system. Therefore everything is all right now. You cannot find any more prostitution. Therefore pass this bill." I say it is not so simple as that. No doubt, the system of *Devadasis* coming to the temple openly is done away with. My friend has to study a great deal more about the complicated nature of society. Of course, there may be children, here and there, orphans who want money, food, clothing, and shelter. They can all be given. But once you look at the question of sex, it is a very difficult problem—not so easy for you to tackle. My friend says: "Pass this bill; the future generation will be safe." It will never be. They have passed this bill long ago in several Western countries. Is it all right there? Are all those who form the present generation in those countries and who were the future generation at the time the bills were first passed in those countries, saints now?

All I wish to say is that this thing has been discussed thread-bare. It is quite unnecessary and undesirable at this stage. I may say at last, if only this bill is passed, you will allow the police to be the very cog of the wheel.

Mr. M. RAMACHANDRA RAO SINDIA.—Before speaking on the bill, I have a great desire to compliment Mr. D. V. Gundappa on the very eloquent and exhaustive speech he made before this House. But I am not very much impressed by his speech because, the whole thing was a mere repetition. And in his speech he let the cat out of the bag. He fears that Christian Missionaries are going to carry away all those prostitute girls to Christianity.

Mr. D. V. GUNDAPPA.—On a point of personal explanation, I never said anything so dogmatic as that.

Mr. M. RAMACHANDRA RAO SINDIA.—I may be wrong; but this is the impression created in me. If Christian Missionaries want to convert them, they have many other means and facilities to do so. I myself know the movement to a certain extent. They are working if out of purely humanitarian feelings. It Mr. Gundappa had only occasion to associate himself with them and go round and see what the sufferings of the girls who are in the brothels are, I am sure he will be one of the first persons to support this bill. But granting that this bill is passed, what is it that he is afraid of? And what is it that we

that this might lead to complications as between communities from which the girls rescued might come. It is an unhappy experience to which he gave expression, but nonetheless it is a very real one. Of course, the object of a rescue home is such that no legislation on this subject can possibly be contemplated without it. The establishment of rescue homes is a necessary preliminary to the enactment of the legislation. Without them, the Regulation cannot be put into force. In their absence, the children who have to become their inmates cannot possibly be taken away from the custody of the persons they have rescued from because they are taken at a tender age and the women who take hold of them pretend to be practically their parents and the law as it stands today is absolutely ineffective in obtaining freedom for them. So the law that is contemplated is a sort of complement to the rescue homes; and the bill recognises that fact not only implicitly but also explicitly by saying that the child removed from such custody must be sent up to a rescue home. I think that is a point that has been very well brought out by my hon. Friend the Inspector-General of Police who spoke this afternoon. That being so, the organisation of these homes becomes a very important factor if we are to work a law of the kind proposed. In Madras, certain correspondence has passed between Mr. G. T. H. Bracken, the Chief Secretary to Government and certain people who made a request to him that certain Sections of the analogous Madras Act should be extended to certain areas. The answer he gave was that since no rescue homes had yet been organised in those centres, it was impossible to extend the operations of the law to them. So I think the provision of rescue homes is a necessary preliminary to legislation of this type. In his bill, my hon. Friend Mr. Mallappa has not included a clause which is found in the Madras Act. We have to provide for it. This only shows the need for careful legislation. It does not mean that legislation is not required.

Another point to which attention has been invited is that the Salvation Army has been interesting itself in this matter. In Madras a suggestion has been made as to how a rescue home of the kind contemplated by this law should be organized and run, what should be the discipline maintained in it, whether it can be sectarian from the point of view of religion (they used the word sect wrongly) or non-sectarian. The answer was wrung from them that though the inmates were subject to certain kind of discipline in regard to their movements and the like, they would be treated as absolutely non-sectarian, *i.e.*, on a non-sectarian footing. The plain suggestion was that any talks about conversion to Christianity could not arise. Accordingly no questions relating to one's religion should arise

statistics, afford opportunities for the expression of public opinion, even from municipalities and work out a scheme which might win the approbation of the general public of the land, both men and women. That is all that the public would desire. I would only express the ardent hope that the attitude of the Government and of the official members, who have been given the freedom to vote would be one of sympathy with the proposed measure.

Mr. D. S. MALLAPPA.—I am glad that this bill has elicited much enthusiasm in this House. Some hon. Members have vehemently opposed it while others supported it with equal enthusiasm, rather more enthusiasm. But none of the opposers have made out a strong case for me to drop the bill or for the House to throw it out. First, my old friend *Khan Bahadur* Mahomed Abbas Khan spoke about it rather in strong terms using words like recklessness and other things with regard to my figures, etc. I am also equally capable of using much stronger words but on account of his age and also our old friendship, I abstain from doing it. What was the substance of his argument? He spoke about the rescue homes. Really rescue homes are a necessary adjunct to this legislation. They should be started and innocent girls who are subjected to unscrupulous people's selfishness should be rescued and they must be saved from a life of degradation. However, I may say to him that an hon'ble gentleman by name Mr. Yakub Hasan in the Regional Conference that was recently held at Madras said:

> "According to Islamic law, prostitution is a great crime and men and women guilty of it were punished by flogging in olden days"

He however says that "Nothing could be done without the help of legislation." So that gentleman, who is a Muslim, has pleaded strongly for legislation.

Mr. Abbas Khan also stated that medical examination should be provided and the prostitutes segregated and so on. My only reply to him is such a thing was tried in several places and segregation did not stop the vice. On the other hand, it gave greater scope for unscrupulous people to induce innocent girls and women to become their tools and earn for them like slaves throughout their lives in this vice. The procurers derive all the benefit out of these girls. Segregation and medical examination will go to increase the evil, because the law will not punish the procurer who will be engaged in this profession. So these remedies would not apply here.

Rao Bahadur B. K. Garudachar stated that this vice is not prevalent to such an extent as I have described. I may tell him that the figures are completely reliable and the hon. Inspector-General of Police also has said that they are correct. Further the representation of the Moral and Social Hygiene Association also confirms the figures more or less

with a slight difference. That shows that the vice is existing in the City of Bangalore. Further a representative of the City, Mr. C. N. Narasinga Rao, who is an active member of the municipality, has stated in the Assembly that the Moral and Social Hygiene Association had written to the Police Department and also to the authorities of certain important hospitals. The reply received from the Police Department showed that even the officers of the department did not have full information relating to the immoral traffic in prostitution; but the information received from the hospitals showed that the health of the inmates and of the children born to them has been affected to a large extent. They say further that even the police are helpless because there is no special legislation in the land to stop the evil. Mr. P. Sitaramiah who is also an active member of the Mysore City Municipality has in very strong terms supported this bill in the Assembly.

Brahmachari T. Ramachandra has stated that the Municipal Council of Mysore has wholeheartedly supported this measure by passing a resolution to that effect. So far as the Bangalore City Municipal Council is concerned, the very replies that they have sent and the indifference they have exhibited show to what extent they have realised their responsibility with regard to this important matter. They cannot plead now that they had no information about the matter and that there was no requisition for an expression of opinion with regard to this investigation. If they had only showed greater responsibility and if they had only viewed this matter with the importance that it deserves, I am sure they too would have fallen in line with us, though not the President at least the younger generation who are in large numbers as members of the council.

In the course of the observations made by *Rajasabhabhushana Diwan Bahadur* K. R. Srinivasa Iyengar, he said that he would keep an open mind and all that he wanted was to be convinced. If, inspite of the facts and figures supplied to this House by me and also by the Moral and Social Hygiene Association and by the meetings convened in Bangalore he is not convinced, I can only say that one can take a horse to the water but one cannot make it drink.

The arguments advanced by Mr. D. V. Gundappa and Mr. Bhashyam Aiyangar are not very valid ones. They have not made out a strong case for dropping the bill. They simply say public opinion is against legislation and that we cannot completely eradicate the evil. I admit the latter statement. But can we not minimise the evil as other countries have done? That is the question I ask of them.

Mr. D. V. GUNDAPPA.—No.

Mr. D. S. MALLAPPA.—Some unfortunate girls are being misused by some unscrupulous people. The very existence of the evil and the very fact that some unscrupulous people are using these

girls for immoral purposes must set them seriously thinking. Do they tolerate it ? I expect them, being responsible men, to have devoted more serious attention to this matter. (Mr. D. V. Gundappa.—Thanks for the compliment). The only inference I can draw from the various speeches made in opposing the bill is that they seem to have some misapprehension and also some antagonism to the Association for Moral and Social Hygiene. The cat was let out of the bag from the various speeches made in opposition.

Mr. D. V. GUNDAPPA.—May I point out to the Member that it is a very disrespectful way of suggesting that we have any motive ? We have no motive at all.

Mr. D. S. MALLAPPA.—That is the inference I can draw from their speeches.

Regarding the work turned out by the Moral and Social Hygiene Association, I need not say anything here. Regarding the apprehension that Christian Missionaries would derive greater advantage by this legislation in the matter of conversion and other things, I can only disabuse their minds by stating that even in Madras the Christian Associations which interested themselves more and more in this matter have worked out of love for humanitarian service than for religious conversion. The very fact that the Lord Bishop of Madras presided over the Regional Conference convened by representatives of various religions and various public bodies showed that the organizers did not apprehend that it was a move to convert people to Christianity.

I think there is not much to be said about the humourous remarks made by Mr. Bhashyam Aiyangar. We know his views and also his curious arguments advanced last time in the Assembly and here now. If he had only felt for the unfortunate girls as much as many others are feeling and if he really thought that he would be rendering a service by rescuing these unfortunate ones, I think he would have certainly extended his wholehearted support to the measure. Some points were urged during the course of the discussion that the existing provisions in the several legislations prevailing in the state are quite sufficient. I have already pointed out in my introductory speech that they are not sufficient to meet the situation and that the Penal Code deals only with married women and minor children. There is no need to go further into this aspect of the matter.

I hope the Government would extend their sympathetic consideration to this matter. I am quite prepared to agree to the personnel of the Select Committee that is going to be proposed by you, sir, and if any amendments to the bill are called for in any respect, I am quite prepared to do that. All that I aim at is that we should minimise the evil to a great extent and as far as possible, by means of legislation. Of course, social work should be carried on in this respect.

I am alive to it and public workers are ready to do that and several Associations are interesting themselves in this matter.

In conclusion, I request the House to extend its whole-hearted support to this measure.

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari.).—Sir, I might remind the House of the statement I made last time when this bill was before this House at the first stage. I then said: "Government think that a *prima facie* case has been made out for an examination of the question dealt with in the bill which has been placed before the Legislative Council." Government have since examined the matter and in the light of the information that has been placed before them, they are of the opinion that this bill may go through to its next stage. In saying that, I wish to repeat what was stated last time, *viz.*, that Government are simply accepting the principle of the necessity for some kind of legislative action in this matter. Of course, to agree to undertake legislation is one thing; but to pass an agreed legislation regarding the various details is an entirely different thing. There will be naturally difference of opinion as to the methods of giving effect to the objects that all of us have in view and I do not at all, therefore, complain of the various divergences of opinion that have been exhibited during the course of the discussion of certain of the provisions contained in the bill. On the whole, I repeat that Government have no wish to delay the further examination of this question during the proceedings of the select committee.

There are one or two observations made by Mr. Hamilton which I wish to emphasise. Especially as regards the question of rescue homes, Government are perfectly satisfied and are clear in their mind that these provisions cannot be satisfactorily enforced unless and until there are a sufficient number of rescue homes.

The next question is how to give effect to this idea. Even the opposers of the bill mainly stressed on the want of rescue homes at present, which would make the operation of the bill entirely ineffective. Government accept the idea contained in that statement. And subject to further examination during the course of the Select Committee, I would propose that Section 1 (*b*) be recast somewhat on these lines:

The first sentence will be kept on and the rest will be recast as follows:—

> "Government may by Notification extend the rest of the Regulation to any local area all or any of the provisions with such verbal modifications..... such extension."

I would also add this proviso, *viz.*,

> "Provided that Sections 7, 8, 9 and 10 should not be so extended unless the Government are satisfied that there are a sufficient number of rescue homes."

I think this would meet two of the main objections of the members who

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opposed the bill. First, I hope it would satisfy the Chairman of the Bangalore City Municipality as that city would not be singled out for special mention. The second objection which is more vital and more important that rescue homes are a necessary part and parcel of the organization required to give effect to the provisions of this bill should be first provided, will be met by the addition of a provision about 'rescue homes'. I might also say that Government do not stand committed to starting rescue homes themselves or to finance them in any respect. It would be the business of societies or other local bodies even interested in the promotion of this reform to provide the necessary conveniences; and if afterwards Government are satisfied about that, then they might extend those provisions to any such local area. This should be made an important part of the bill and Government would agree to the bill if some such words—I do not say exactly these words—are adopted. If the principle contained in my suggestion is accepted, then Governmet will agree. Subject to that, Government have no objection to the matter being referred to the Select Committee.

Mr. D. V. GUNDAPPA.—On a point of order, after this statement on behalf of Government, what becomes of the announcement made yesterday by the President that official members are free to vote as they like?

Mr. S. P. RAJAGOPALACHARI.—I might perhaps remind the hon. Members of what took place last time?

Mr. D. V. GUNDAPPA.—May I remind the First Member of what took place just yesterday?

Mr. S. P. RAJAGOPALACHARI.—First, what took place last time and then what took place yesterday.

Last time the same hon. Member raised the very same question and then it was decided. Yesterday the hon. Member stated evidently that official members were given the right to vote as they liked. That is not correct.

Mr. D. V. GUNDAPPA.—I never said last time that officials were free to vote as they liked. On the other hand, they voted as the Government Member had indicated. But just yesterday, the President was pleased to say that official members would be free to vote as they liked.

Mr. S. P. RAJAGOPALACHARI.—That was last time when the official members voted after the Government Member had indicated the Government's attitude. Now Government have decided so far as this bill is concerned, that it should go through the Select Committee, subject to certain ideas being accepted. That is the statement of Government and as in last time, the official members will vote with the Government.

Mr. D. V. GUNDAPPA.—So yesterday's announcement becomes superseded?

Mr. S. P. RAJAGOPALACHARI.—Modified.

Mr. D. V. GUNDAPPA.—Not modified but completely superseded. And may I

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stage. After we have wasted our lungs for two days together.....

Mr. S. P. RAJAGOPALACHARI.—As I said, on the information furnished, Government are satisfied that there is sufficient ground to proceed with the further stages of the bill.

***Mr. D. V. GUNDAPPA.**—If this statement had been made this morning, at least a good many lungs might have been saved. Too many speeches might have been saved and cut short. We know that Government decide all these matters in advance.

Mr. PRESIDENT.—The speeches of the members have helped Government to come to that decision.

Mr. D. V. GUNDAPPA.—May we know when Government made up their mind ?

Mr. PRESIDENT.—Yesterday as I told you, the idea was to allow the official members freedom of voting. But after subsequent discussion, we came to the conclusion that, on the whole, it was in the best interests of the country that this measure or some such measure should be proceeded with.

Mr. D. V. GUNDAPPA.—Of course, if it was only five minutes ago that Government made up their mind, I have nothing to say.

Mr. PRESIDENT.—It was not so late as that. However, I will now put the motion to the House :

The question is :

"That the Bill to enforce legislation suppressing Immoral Traffic in the State, published under rule 7 of the rules of business be read in Council."

The motion was adopted.

(*b*) *Motion that the bill be referred to a Select Committee.*

Mr. D. S. MALLAPPA.—I should go by your suggestion, Sir, with regard to the Select Committee stage of the bill.

Mr. S. P. RAJAGOPALACHARI.—Sir, I beg to move that the bill be referred to a select committee consisting of the following gentlemen :—

Messrs.—
D. S. Mallappa,
A. E. Walden,
T. Ramachandra,
Rao Bahadur B. K. Garudachar,
Khan Bahadur Mahomed Abbas Khan.
Rajasabhabhushana Diwan Bahadur K. R. Srinivasa Iyengar,
Mr. F. A. Hamilton,
Sastravydyapravina Dr. S. Subba Rao,
A. R. Nagesvara Aiyar,
H. V. Ramasvami,
D. V. Gundappa,
H. C. Dasappa,

and the Member of Government in charge of the portfolio as Chairman.

The GENERAL SECRETARY TO GOVERNMENT (Mr. M. Venkatesa Iyengar).—Sir, I beg to second the motion.

Mr. PRESIDENT.—The question is :

"That the Bill to enforce legislation suppressing Immoral Traffic in the State be referred to a select committee consisting of the gentlemen named by the Mover."

The motion was adopted.

EXTRACTS FROM L.C. PROCEEDINGSOF THE
18th & 19th Dec.35.

Discussions on the Bill to enforce legislation suppressing Immoral Traffic in Mysore.

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12. BILL TO ENFORCE LEGISLATION SUPPRESSING IMMORAL TRAFFIC IN THE MYSORE STATE.

(a) Motion that the Bill published under Rule 7 of the rules of business be read in Council.

Mr. D. S. MALLAPPA.-Sir, I beg to move that the Bill to enforce Legislation suppressing Immoral Traffic in the Mysore State, published under Rule 7 of the rules of business be read in Council.

I am thankful to the Government for having kindly extended their support, at the time of seeking permission to introduce the bill before this House. This bill was placed before the Representative Assembly and the Representative Assembly have accorded their whole-hearted support. It has the support of the public also. The District Boards and the Municipalities were consulted in the matter by the Government and they have expressed their sympathy with the principles of the bill. The Ladies Conference, although it is backward in many respects and is still holding its deliberations in purda and ~~which~~ is yet unprepared to support the Child Marriage Bill ~~is~~ has whole-heartedly supported this measure. Public meetings held at Shimoga, Tirthahalli and elsewhere have also supported this bill. All these show that the public are alive to the necessity of introducing a measure of this kind to check the growing evil of immoral traffic.

This bill aims at putting a stop to the immoral traffic, i.e., the traffic carried on in women for immoral purposes in the State. The Vigilance Association and other Associations

which are carrying on work in this direction have investigated this question and it is found that in the city of Bangalore there are as many as 270 brothels and in the city of Mysore not less than 100 brothels. In these brothels many innocent girls are kept for immoral purposes and the benefit is derived by some unscrupulous people who are in the line. This bill aims at putting a stop to that evil trade.

In the first clause of the bill, I have stated the title of the bill and the extent to which it operates. Certain Sections of the bill come into operation throughout the State, i.e., Section 6 that deals with Procuration and Section 12 barring certain legal proceedings as against women who will have borrowed money from the inmates of brothels and also who will have been given some ornaments and other personal necessities to consent to be the inmates of the brothels. Section 15 deals with punishment for keeping a brothel or allowing premises to be used as a brothel. This Section also extends to the whole State as also Section 16 which deals with Magistrates who are to try the offences punishable under this Regulation. Only these Sections apply to the whole State and the rest apply to the Cities of Bangalore and Mysore where the evil is rampant.

In the second Section, definitions of certain words that are used in the Regulation are given In Section 3, solicitations and the manner in which it is done is described. In Section 4, prostitution in places of public amusement when the prostitutes are kept for the purpose of

allurin; people is described. Section 5 makes it punishable xxx living on the earnings of prostitution. In Section 6, it is provided that procuration is to be punished and according to Section 7, importing woman or girl for prostitution is made punishable. Xxxx In the next Section, it is stated that girls below the age of 18 when they are found to be in the custody of any man, are to be rescued by the police and the police officer who may enter the premises for the purposes of rescuing the girls from the dishonoured houses is also defined. Section 9 provides for commitment to suitable custody, that means to keep those rescued girls below the age of 18 in the rescue homes till they attain the age of 21 and there to look after and protect them. Section 10 deals with intermediate custody of the girls removed from brothel, etc., It is provided here that these girls should not be kept in the police custody and that they should be in recognised rescue homes or in the custody of relatives. In Section 11, unlawful retention of women for prostitution is made punishable. After that, presumptions are described so that it may be helpful for the prosecutors to bring to book the culprit. Section 12 provides for the bar of court in legal proceedings, i.e., in order to induce a girl to be an inmate of a brothel if he advances some money, ornaments, clothes, etc., for the girl. In the girls is rescued from the place, the brothel keeper is made not to proceed against the girls and if he proceeds against her for the recovery of those things, he will not get them.

In Section 13, brothel keeping is made punishable. About letting out premises for the purpose of brothel-keeping and also after due punishment if he persists in the continuance of renting out the house for the same purpose, it is also made punishable. In Section 14, it is laid down when a police officer can arrest without warrant. In Section 15, permission to enter the premises where these unfortunate girls are kept is described and all necessary safeguards to protect the interests of the public are made here. Because, they should obtain a warrant from a Magistrate to enter the house and only certain officers not below the rank of an Inspector or a District Magistrate could enter the house without warrant. Section 16 deals with the Magistrates by whom the accused under this bill are made triable. These are the main provisions of the bill.

So far as the necessity for this bill goes, I need not impress on this House at this juncture anything because the Members of the House know how very important it is to have a legislation of this nature. It is a well known fact that many progressive States have already enacted this measure and they are thinking of making it much more stringent to put down the evil effectively. I do not say that by legislation we can altogether wipe out this evil; but we can to a great extent minimise it. The public opinion also should be strengthened so as to enable the law to operate very well. For that matter every effort will be made by public workers in the State.

Some of the Sections are very necessary and they are not ~~xxxxx~~ to be found in other enactments of the State. Some provisions exist in some other Regulations that are current in the State, viz., about shutting out of brothels, there is a provision in the Municipal Regulation. But, for that it is necessary that the public residing in the particular street should first complain. Moreover, if the Magistrate or ~~the~~ other authority orders the closing down of a brothel, nothing prevents the brothel keeper from opening it in a different street. Even solicitations and other offences are punishable under the Police Regulation; but they are not properly ~~xxxxx~~ described and it is very hard to ~~describe~~ prove them in the courts. Moreover, sometimes they are more stringent than the present law that I have brought forward. Certain provisions do exist in the Indian Penal Code but they refer only to minor crimes. If a man sets a woman for this immoral purpose, if he allures her and brings her from a different place, those offences are not punishable under the existing Regulations. So there is every necessity for having a separate legislation for this purpose. The Vigilance Association and the Moral and Social Hygiene Association which are working in this direction have also found that the existing laws are not helpful to them in many respects. Even the police officers who have knowledge of many offences have expressed that it is very difficult under the existing laws to ~~secure~~ rescue those unfortunate girls

Some unscrupulous people will keep them for the purpose of getting monetary benefit. Whereas the unfortunate girls who are their victims wreck their health. Due to the non-existence of a Regulation of this type, the morality of the country is going down. Very many dangerous diseases are spreading.

Even though some might plead that in the ancient Shastras and other old literatures, there is sanction for the institution of prostituion, the very Shastras do prescribe very severe punishments for the procuration and other crimes. In this 20th century, we ought to oppose the degrading professions. We ought to look to the society that is existing now and we must legislate for safeguarding the public at large.

With these few observations, I move that the bill be read in Council.

Mr. N. V. NARAYANA MURTHY.-Sir, in seconding the measure, I wish to say only a few words. This is meant for the welfare of society at large and also to save some innocent girls and women from a life of degradation to which they will have been drifting against their will and consent. The evil is fast spreading and therefore steps must be taken to prevent it from spreading.

Rajacharita Visarada Rao Sahib C. HAYAVADANA RAO.-I want to know, Sir, whether ~~a~~ the ~~ty~~ will ~~be~~ have liberty in the matter of voting as they like on this motion so far as official members are concerned.

Rajasabhabhushana Diwan Bahadur K.R. SRI VASA IYENGAR.-With regard to the motion made on the last session of this House for leave to introduce this Bill, Government had stated that they had no objection to give the official members ~~xxxxxx~~ the liberty of voting as they liked. What we should like to know now is the attitude of Government in respect of the present motion so that we may know whether official members are at liberty to vote as they like.

Mr. PRESIDENT.-They are at liberty to vote as they like.

Khan Bahadur MAHOMED ABBAS KHAN.-I cannot congratulate Mr. Mallappa on having brought this proposal to introduce this piece of legislation as if he has no other beneficial measure to introduce and this is the only one upon which all emphasis should be laid. And then to some of his statements I take exception. He observed that this evil of immoral traffic is rampant in the cities of Bangalore and Mysore. That seems to be rather a reckless statement. It is a slur on these cities of Bangalore and Mysore. And then he gives the figure 270 as the number of brothels in Bangalore. May I ask Mr. Mallappa if he has ~~t~~ even taken the trouble of making a survey of these brothels? Similarly, may I ask my friend if he has taken the trouble to go to Mysore and find out that there are as many as 100 brothels trading upon this undesirable busin

Mr. PRESIDENT.-You admit the existence of the evil, don't you?

Mr. MAHOMED ABBAS KHAN.-Ever since the world came into being, there have been certain evils.

Mr. PRESIDENT.-You must make some attempt to arrest it. That is the object.

Mr. MAHOMED ABBAS KHAN.-In our attempt to arrest it, we may indirectly spread it over a larger area. That is my apprehension.

Mr. PRESIDENT.-That is rather a misapprehension, I think.

Mr. MAHOMED ABBAS KHAN.-The working of measure in the cities of Madras and Bombay, as

as far as we have been able to gather the information, has not been effective. On the other hand, it is said that those who are in settled houses run about and seek shelter in good families. Then there is the chance of spreading of contamination to the neighbours and cities as well. The mere appearance of police officers is enough for them; they will simply run away. Where do they run? Now there are certain houses which can be kept under vigilance; the inmates may be subjected to medical examination or some such thing as it was formerly being done.

Sir, I have once before submitted that there have been certain provisions in the Municipal Regulation, in the Police Regulation and in the Indian Penal Code. The hon'ble Mover of the bill has said that the provisions of the Indian Penal Code refer only to minor girls. Certainly not. They refer to grown up girls and women also where it says that if without their consent they are forced into this, it is a crime. It covers also a number of offences as abduction, enticing away a married woman, etc. which might be brought under the Code. But all that depends upon the mentality of the citizens. If they really feel that such a thing is taking place in a particular area or place, they can have recourse to the Municipal Regulation or the Indian Penal Code or they could seek remedy under the provisions of the Police Regulation.

Mr. J.T. MALLAPPA.- Will the hon'ble Member

'e ber enlighten us whether during his presidentship of the Bangalore City Municipality he moved in the matter?

r. MAHMUD ABBAS KHAN.-It is not for me to answer the question. When a certain definite proposal is put before us and a statement is made by a responsible Member, ~~xxxxx~~ that there are 270 houses of this kind, it is I who am entitled to ask him whether he has made a real survey of it or whether he depends upon the figures given by others. It is the business of the Mover to convince the House that really such things exist. Why should the fair name of Bangalore be tom-tommed all over the world that it is spoilt? I do not want the name of my old friend Mr. D.C. Ballappa to be associated with a measure of this kind.

The Sections from beginning to the end are defective--defective in several respects and are capable of being applied to innocent people. It gives a handle not only to the police but also to the neighbours. May I ask my friend in case there is no rescue home it is stated that the girl must be sent to the relative's house and if there is no relative, ~~will~~ would he please tell me where the girl should be sent?

Mr. C. NAYANADANA RAO.-The bill presumes the existence of rescue homes.

Mr. MAHMUD ABBAS KHAN.-When you legislate, you must provide for all contingencies. In places where there are no rescue homes, what should

should be done, should be laid down by the law. When nobody takes care of them, what should happen to them?

Mr. K.T. BHASHYAM AIYANGAR.-If there is no rescue home, there is the police station!

Mr. [illegible].-And how long? I don't think our hon'ble friend the Inspector General of Police would entertain the idea of keeping the girls, that too girls of a questionable character, for a number of days in charge of the police constables.

The law does not make provision for such cases. The first attempt in this matter must be to have recourse to the provisions in the Municipal Regulation and other penal laws. I have mentioned in the Representative Assembly that during the British Commission days a law was introduced, which has still the force of law here although it is not made applicable in the case of the cities, which stated that if there were houses of that questionable character, a certain amount of supervision must be exercised; the inmates of that house must be subjected to medical examination periodically and so on. Any such measure should be appreciated. As it is, how are you going to suppress it? Now at least there are chances for women of questionable character who are suffering from venereal diseases to go to the hospital and seek a remedy. But after the introduction of this measure, if there is a woman who goes to the hospital for the purpose, she might be handed over to the police

on the score that she is trading on immoral business. Therefore, the tendency would be not to bring to notice of the doctors these ailments and the health of the girl will be undermined from day to day. There are so many defects in the several Sections of the bill. I do not wish to waste the valuable time of this House by going into Section after Section of this measure which I think is unwarranted.

It was stated that public opinion has been cultivated on this question. Where? By the passing of a resolution in Shimoga and Thirthahalli that my friend has mentioned? And he wants the measure to be introduced in Bangalore and Mysore. There will be some justification if he asks that this should be introduced in Shimoga and Thirthahalli. Why should he make a jump over to Bangalore and Mysore and all other places? No meeting has been held here by the citizens of these two cities. The Municipal Councils have not passed resolutions to that effect

Under these circumstances, I oppose the bill.

Mr. M. A. SRINIVASA IYENGAR.-Sir, I wish to say that I approach this motion with an absolutely open mind. If I was convinced or made to understand that the vices and the evils which this bill is intended to prevent are prevalent to a very large extent or even to an appreciable extent, I shall certainly welcome heartily a measure of this kind; though perhaps with regard to some detailed provisions there may be difference of opinion, they may be examined later on. The question now is whether these evils are prevalent on a large scale or even on an appreciable scale. The Mover of the bill has given certain figures to show that the number of brothels or houses of ill-fame exist in Bangalore and Mysore cities. The two cities are the places which he has mentioned as those in which these evils are prevalent on large scale. I should like, Sir, either the Mover of this bill or perhaps those who are competent to speak on the subject, to enlighten me as to whether this subject has come at any time before the municipal councils of either Mysore or Bangalore cities. Naturally the municipal councillors are the persons who are most interested in the welfare of these cities and who are competent to express an opinion about the prevalence of this evil on a large scale or otherwise. There are today in this Council the present President and ex-President of the Municipalities and we have also got here some of the members of the Mysore Municipal Council. I should like them

than to enlighten me as to whether this subject of the prevalence of this evil to any appreciable extent in these two cities has come to the notice of the Council concerned and whether this subject of the necessity of introducing a law like this into the cities has ever been considered by them and whether any opinion has been expressed by the councils thereon. If not, I would say before we introduce a bill of this kind, particularly for the sake of prevention of this evil in the cities, it is very desirable that the municipal councils of these cities should be, in the first instance, consulted.

The President just now asked the question "Has not this evil been prevalent?" And Khan Bahadur Mahomed Abbas Khan answered "Yes, from the beginning of the world." I know what he meant was that prostitution has been prevalent it is the evil of immoral traffic which the mover intends to prevent and we are all interested in it. What I would like to ~~say~~ ask is: are these evils prevalent? Simply because somebody has given some figures, are those figures accepted as authentic by the representatives of the cities wherein this bill is proposed to be introduced in the first instance? If there has not been any such representation coming from these cities, and if those cities are not given opportunities of expressing an opinion, I would appeal to the Mover of this motion to defer this until he has obtained the opinion of these municipal councils and then he can come forward with all the greater force and urge this proposition and ask for a legislation of this kind.

Mr. A. L. HALDEN.-I would like to convince the House of the need for this legislation in Bangalore and Mysore cities as far as I know it. For the last 2 or 3 years, the Association of Moral and Social Hygiene in this city has been making investigations--and some people might think that this is purely an organisation of Christian missionaries ~~a sort of missionary propaganda~~ but it is not so; the Association represents all communities and all religions. And this very active committee of ladies and gentlemen have undertaken this investigation with very great trouble and have visited as many houses of prostitution ~~places~~ as they could in Bangalore and Mysore.

Mr. D. V. HUNDAPPA.-May I interrupt the Member and ask him the details regarding the composition of the committee--how many members there are, what are the terms of membership and so on?

Mr. A. L. HALDEN.-I cannot say off-hand, but I know there are about 20 people on the Executive Committee ~~or so~~ and Mr. Matthan is the president of the Committee. These people including ladies, have visited more than 60 houses of prostitutes in Bangalore city alone. There is a council in Mysore which has also visited a good number. I do not know how many. The information obtained shows that in 14 of these houses, there are on an average 3 to 4 inmates. Many of them are kept there against their own will. They could not possibly escape even if they wanted to; because they are generally under lock and key.

I do not need to say that in every civilised land this traffic is considered as ~~candid~~ ~~abject~~ slavery of the worst kind and that every

Government, and the League of Nations also, ~~is~~ interested in this--to prevent the evil or at least alleviate the sufferings attendant upon it. I should urge the House that even ~~though~~ if there ~~are~~ were only six ~~xxxxxxx~~ houses of this kind where minor girls ~~are~~ were kept in slavery, that ~~will~~ would be ~~in~~ sufficient justification to put in force this legislation and make it possible for us to rescue those girls. If a girl wishes to escape from such a house, surely we should do our best to assist her to do so.

There are very many provisions besides that in the bill which I take it there is very little time now to go into ~~The~~ One very important ~~thing~~ point is that satisfactory rescue homes should be provided. I do not think it will be beyond the power of Government to see that there are such houses with responsible guardianship where these girls should be safe for a time and could be treated medically for a period and then returned to their relatives if they will ~~have~~ receive them or if not to find some other occupation for them.

I would like to reply to Khan Bahadur Mahomed Abbas Khan's point ~~xxxx~~ about this bill, that as far as I know, Bangalore city is not any worse than other cities of this kind and probably ~~a bit really~~ much better than many other cities. ~~Because,~~ For one thing we do not find these women exhibiting themselves in public in this city in such a way as ~~it is in~~ is the case in other cities. ~~We~~ I ~~wish~~ desire that this bill should come into force immediately and so prevent such a thing from happening. They should not be exhibited before the public and made a source of temptation to all the young men who go to schools and colleges in Bangalore.. I think it is high time that such legislation is enacted. I, therefore, whole heartedly support the bill.

Rao Bahadur B.K. GARUDACHAR.-I am sorry to have to oppose the bill. I am glad Mr. Walden was kind enough to speak just before me. He has just given out the figure as 60.

Mr. H.C. DASAPPA.-He said that the council had visited 60 houses.

Mr. B. K. GARUDACHAR.-That means 60 he was sure of. For information about more, he depends upon others. I am in Bangalore and I know Bangalore better than Mr. D.S. Mallappa who lives in Tumkur. He might have got the information from the police and the other association which is interested in this legislation. I will only say that you can rely on it as police information as much as you can.

As far as the municipal council is concerned, as one responsible municipal member and as a resident of Bangalore for the last 50 to 60 years who knows every nook and corner of the city, I can assure this House that the figure given by Mr. Mallappa is so much exaggerated that we cannot rely upon it even to the extent of 25 %. In a city like Bangalore which has got a population of 2 lakhs and an itinerant population of 20,000 coming from outside every day through trains and buses, having such houses is hot strange. As Khan Bahadur Mahomed Abbas Khan said, this vice has been in existence ever since the world came into existence. So having such a few number of houses here is not at all great. As admitted by Mr. Walden these houses are to be found in every town. From my experience as a non-

official

non-official visitor of hospitals I have found that patients suffering from venereal diseases come largely from villages than from cities. I can assure this House about it. I am also told by reliable authorities that such a disease is more rampant in the Malnad areas than anywhere else in the State. So it is not right for Mr. Mallappa to take the case of Thirthahalli and compare it with Bangalore. Every one knows that there is need for this legislation in Thirthahalli. I need not dwell upon that.

Again, if such a thing has been happening here, Section 184 of the Municipal Regulation is quite enough to deal with it and to combat that evil. I may tell this House--and our ex-District Magistrate Mr. Anantaraman will bear me out--that we had a case in Gangamcheri in Bangalore City. Section 184 enabled the municipal council to seek the help of the District Magistrate and remove the brothel from Gangamcheri completely.

Mr. PRESIDENT.-Where did he remove them to?

Mr. B. K. GURUDACHAR.-I am not concerned about it. I know he removed them from out of the Bangalore City. That is what I am concerned with in connection with this bill because, it relates to Bangalore city and Mysore city. I can say we can look after ourselves better than our friend who wants to come to our help in this way. The power given by the Municipal Regulation is quite enough to remove this evil.

As regards the association referred to by Mr. Walden, I think, subject to correction, that this association applied to the municipality for some land to be given to them and we asked them for some more information about the organization--as to how many girls they had rescued and taken to their homes and how many there were still, their addresses etc. I don't think we have got any information from that association as yet. We simply wanted to know the kind of people whom they had taken so that we might know particularly their social status, etc. But we did not get the information. With all that, it has been stated in this Council that they have got the information.

But as a representative of this city, I may say that such a legislation is not required for this city of Bangalore. We can guard ourselves with the existing Regulation. When the evil grows to such a high pitch as Mr Mallappa has described, we will ask for proper remedies. If any such situation comes, I think it will come first outside Bangalore City. However considering the State as a whole, I oppose this motion.

At this stage, the Council adjourned at 5 P.M. to meet again the ~~next~~ following day.

DKR/19-12
2nd batch.

Discussion on the Bill to enforce Legislation for Suppression of Immoral Traffic in Mysore. (contd).

Mr. T. RAMACHANDRA.-Sir, I have carefully listened to the various speeches of the hon'ble Members of this House and especially of those who have taken the attitude of opposition to this bill. Some hon'ble Members said that it is an immoral custom. But I do not know whether they would also equally say that this custom should be perpetuated and perpetuated in the manner in which it is being done today as a commercial vice. I hope, Sir, that no hon'ble Member will agree that no cultured civilization will allow this traffic as commercialised now to go on. The hon'ble Member Diwan Bahadur K.R. Srinivasa Iyengar wanted information as to the existence of this evil and he said that if even to an appreciable extent the existence of the evil could be pointed to him, he would give his support to the bill. I have before me the day to day diary of the workers engaged in the investigation work of this traffic. They are workers in the field of social and moral hygiene. A lady from this Association goes to visit the houses of these unfortunate women every day. For this purpose the Association has selected 29 areas in the city of Bangalore. The life history of the girls entrapped there is noted in the diary. Let it be remembered that this diary has not been prepared for the sake of discussion in this Council. It is prepared with a view to see what help could be rendered to those unfortunate girls. The hon'ble

hon'ble Members may ask "How did you get this information; how did they confide it to you." The lady visitor goes there to give medical relief to those unfortunate girls and if I place before you the terrible stories of how the girls are being used as many as a dozen times a day for the bestial passion of man, how these unfortunate girls weep and cry, then you will know why they need the help of somebody who can visit them and take them to the hospital. In the course of medical assistance, it was ascertained that they were people who came from places like Kollegal, Hossur, Salem, Chintamani, Turkere and various other places to Bangalore. These are not prostitutes by individual profession but they are brothel-keepers. I have here the day to day diary and also a note book which summarises the whole thing before which I can place before any member of this House if it is wanted. From the records here you will see that there is the case of a young girl who has been rescued from a brothel and admitted into the Leper Hospital in the Magadi Road. If any hon'ble Member of this House would visit that hospital and ask her, she will give the pitiable story of how difficult it was for her to leave the brothel and come to the hospital. Some of the hon'ble Members said: "Why not start rescue homes and then ask for legislation?" I am glad that they have used the word 'rescue homes'. It is not an easy thing to rescue a single girl from the clutches of the procurers. They

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are kept in actual dens. They are actually in charge of men and women trained in the art of keeping these girls in perpetual slavery. This very question xxx had been raised by the members of the Madras Legislative Council: "Start rescue homes and then come for legis lation." These procurers who are trading inthe vice, xxxxxxx these managers of the brothels and these ~~o~~ women who are the brothel keepers have got such an art that they will not allow a single woman to go outside. We are fortunate that the Association here has opened a rescue home since the last 3 months in the premises of the Asakt Poshaka Sabha in the Visvesvarapuram Exten sion. If any hon ble Member would kindly go and hear the stories of those girls an especially of the girl who has been resc only last month, he would come to know h she had to be purchased by paying back i 18 rupees, the worth of the saddy and th little trinkets given to her by the bro keeper. These girls are made as slave and sold. The list which has been shown to the House contains a number of names o those who have been carrying on such a tr in Bangalore City. We have been seeing girls of the ages of 10, 12, 14, 16 and s kept in these houses. These children are brought there, I am told, because childr are valuable as future assets for this t

I have gone with the Secretary of the Social and Moral Hygiene Council and I seen these children in the homes of these vices. I know how they are kept there, what wretched life they live in. I am not exaggerating anything. I am convinced that the evil is existing in Bangalore. It is not that I have stood up here to show that Bangalore is a bad city, is an immoral city; but, sir, the evil is existing here as it is existing in other parts of the country and the world, and the evil has got to be checked. For example, in the conference at Madras to which the hon'ble Members have already referred, a question was asked in respect of municipalities where the law has been applied as to the number of women affected before the Act was passed and the number after the Act was passed. Here is the answer: We find that in Trichinopoly there were 33 women who were carrying on this traffic, and after the Act was passed there were only 4.

In Madura, there were 350 " now 220

" Kumbakonam 500 " 250

Now, sir, we find in various places Bezwada, Cocanada, Rajahmundry, Tanjore Coimbatore the municipalities themselves have asked for the enforcement of this Act. Now it is said here that the provisions in the Municipal Regulation and the Police Regulation are sufficient to meet the case. I have only to quote what the hon'ble Member Mr. Cunningham,

the Inspector General of Police said in the Madras Legislative Council:

> "If the Police Section is to be enforced, first of all notice has to be given to the party running the brothel. It is like going to the brothel-keeper and telling him "Here we ~~could not~~ prosecute you. The bird flies away to another place."

come to/

Unless ~~xxxxxxx~~ powers are given to the Police to make sudden raids on these places and catch the culprits red-handed, it is not possible to combat this vice.

Coming to the municipal councils, the hon'ble Member Mr. K.R. Srinivasa Iyengar ~~xx~~: asked whether the municipal councils in the State have approved of the special legislation. I know that the Municipal Council of Mysore have, at their meeting held on the 29th September 1934 under the presidency of Mr. B.T. Kesava Iyengar, resolved that they are in full sympathy with the general principles of the proposed ~~b~~ measure. Coming to Bangalore City Municipality, I beg to be excused for placing these facts before this House. The Association for Social and Moral Hygiene sent then/a copy of this bill with a request ~~xxxx~~ to the Bangalore City Municipal Council for its/being placed before the Council for its opinion. But the reply received was that the copy of the bill could not be traded in their office. So the Secretary sent another copy of the bill with a request that the Municipal Council, Bangalore, be kind enough to expedite a reply to his communication. And for that a short ~~xxxxx~~ reply was received on 23rd July 1935 to the effect that the matter was receiving attention. This is the way, Sir, that the

Bangalore City Municipality has ~~xxxxxxxxxxx~~ sympathised with the move on our part.

Mr. K. T. BHASHYAM AIYANGAR.-And because it is not worth more.

Mr. T. RAMACHANDRA.-Please excuse me. Chamarajanagar, Dodballapur, Malavalli, Sagar, Shikaripur, Shimoga and Tumkur--all these town municipalities have each of them placed ~~xxxxx~~ the bill before the Council and accorded their sanction to it for which I have got the records here.

Now, sir, there is no fault that the Association have failed tobring this bill to the notice of the Bangalore City Municipality. As regards the evil, I have already shown that there are 29 areas in which there is this vice. Fortunately for our State, under the gracious order of our benign Ruler, His ~~xxx~~ Highness the Maharaja the system of Devadasis has been abolished. Thus we are free from the system of hereditary ~~xxxxxx~~ - prostitution by Devadasis which is worrying Madras. We have now selected 29 areas with full details of the houses, etc.. ~~xxxx~~ With the formation of extensions to the Bangalore City, some of these ~~xxxxx~~ brothel-keepers have shifted to Chamarajapet and Visvesvarapuram and have thus avoided competion in the city area.

Now I come to the next question: Can legislation alone put down this evil? I have myself gone to Bombay both before and after this legislation was enacted there and have observed the condition. In a place like ~~xxxxxxxx~~ Bombay where the vice is ~~xxx~~ very much commercialised and is existing in a very bad form, even there, it has been much controlled.

In Madras also it has been very much controlled Sir, it is not the control of the vice as it exists today that is important but it is the control and safety of the future generation.

The next point I want to impress on this House is that the Regional Conference was not composed merely of social reformers but of social workers with an enthusastic temperament. They have been comprised of Municipal Presidents in the British Indian Provinces, Commissioners of Heal Departments and Police Departmental officials i Madras. They all say that the Act must be enfo There are loopholes in the Act. They must be stiffened. More rescue homes are necessary and if more rescue homes cannot be provided and more girls rescued, I shall ask the mover to requestu people like Mr. D.V. Gundappa to join the Association and particularly to join the Investigati Committee or the House Committee and come with us and see how with their own hands they can rescue young children. Then only will th know in what condition these girls are being brought up. All the gentlemen, ladies and social workers assembled in Madras, said that even third party trade/rs should be punished. This thing was moved by Mr. F.E. James in the Madras Legislative Council. Fortunately for us here third party procurer has also been brought under the provisions of the bill before us.

I have not got more to say. With all the facts which are placed before the House, with the support of so many municipal councils in the whole State which is here on record, with all the diaries of the Social Hygiene Council

Council about the houses which have been kept and with all the woeful things, what is required is that this bill should be enacted into law and enforced. In conclusion, I crave the generosity of the Government and also the great help of the Police Department.

One point more. If even now the hon'ble Members doubt whether the vice is so bad as in Madras depicted here, Government may, as was done in Madras, empower the Select Committee to examine witnesses. In Madras they called upon 50 witnesses to appear before the select committee and give evidence. I hope here also the Select Committee will be empowered to examine witnesses; police officers, presidents of municipal councils, health departmental officials and the unfortunate girls themselves, who will certainly be prepared to come with their sad stories--how fruit sellers and bangle sellers entice them. I hope, even the hon'ble Members who opposed the bill will agree to serve on the select committee, they will see how the actual affairs are and they will then be ardent supporters of this bill. In the interest of the large number of people affected by the immoral vice, I believe that we must place the bill before the House on the statute book.

The INSPECTOR GENERAL OF POLICE (Mr.F.A. Hamilton).-Sir, I would just like to say a few words on this - very important bill. I trust any remarks I may make will be viewed dispassionately. The first thing that has to be marked is the necessity for the bill. That seems to be an extremely simple matter. I have had a variety of experience in this kind of work and I think I can say that the Madras Bill which is now in force there was built up on the figures which I supplied. I myself visited a considerable number of these brothels; and the work of doing so was by no means pleasant. I think here there seems to be a doubt as to the nature of the statistics supplied. The figures produced by the Mover of the bill seem to be rejected because they are unauthenticated and for similar reasons those supplied by Mr Walden also are rejected. The idea of the police supplying figures is apparently unwelcome.

I think it is a perfectly simple matter. Any Member of this House--any public spirited man--could convince himself as to the existence of this evil by visiting these places in Bangalore City or Mysore City or wherever they may be. Then I can show him that the duty to him as it was to me is exceedingly unpleasant. Anybody who wants to satisfy himself on the subject can easily do so.

There has been so much said on the bill that there is very little remark called for from me. There are just two points I should like to meet. The first is that the penalties provided in the bi are various but the important point is that it has no penalty for being a prostitute. This bill is

copied from the Government of Madras Act which follows the practice--the best practice--followed in all modern countries in Europe and America. This is a practice which has been followed in India for a very long time and nobody interferes with a prostitute unless and until she becomes a public nuisance. She is then treated not as a prostitute but as a public nuisance. That seems to be the intent of this bill that the prostitute as such is not to be touched unless and until she becomes a nuisance by soliciting or running a brothel or by procuring or otherwise.

The next most important point as it appears to me and one, I think, without which the bill, if passed into law, must be of no effect, is the absolute necessity of having rescue homes. Those words will probably be words of ill omen to many members of the House who may have been frightened by what was said by my friend Mr. D.V. Gundappa regarding certain conversions to Christianity. But I have it on very good authority that those conversions to Christianity were made by a home which was then run by the Wesleyan Mission. Since that time the running of the home has been constituted by the Association of Moral and Social Hygiene; and it is absolutely necessary in my opinion, taking into consideration the circumstances of this country, that rescue homes must be undenominational or that a particular rescue home must deal only with the people belonging to the caste or community to which these girls who may come from the neighbourhood belong. That seems to be the most important point. And I think without properly constituted rescue homes recognised, I should say, by Government there is little use in having this Act. At the same time, there is little good in rescue homes without

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without having a law which allows all the minor girls being taken from the brothels and putting into the rescue homes. The two seem to go together. If there is a law to this effect, there must also be a rescue home.

These are the only ~~xxx~~ points which called for my remarks.

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Mr. K. T. BHASHYAM AIYANGAR.-Much has been said both for and against this bill and if I rise to add my word of opposition to this bill, it is because I feel that certain other practical matters have not been either considered or emphasised in considering the merits of this bill. We have had a very lengthy discussion over this and I shall therefore be very categorical in my remarks.

Sir, the first point is this: the object of this bill is to prevent commercialisation of prostitution. I think I am right when I characterise it as such; because I know, and I can give credit to my friend Mr. Mallappa to that extent that he knew also, that it is impossible for him or anybody to prevent prostitution. He very wisely, therefore, says: "I shall not touch this question of prostitution but I shall certainly attack the trafficker, the man who makes money out of prostitution--the man who stands to profit by prostituting somebody else." I quite understand his move but I ask him "What are you driving at? You postulate the existence of prostitution. Prostituion, as you know, cannot be done by one person. It requires two.

Mr. G. CHANNAPPA.-It is a revelation indeed!

Mr. K.T. BHASHYAM AIYANGAR.-Well, if it is a revelation all I can say is that boys who do not know life cannot speak on this. They ought to know life much better.

The point is this: you want to legislate for society. When you do so, do not imagine you have a clean slate on which you are called upon to draw a picture. Society is not a simple machanism. It is a complicated structure. When you begin to tackle it, tackle it by having the details. You cannot

cannot imagine "We shall not tackle prostitution but at the same time we shall certainly prevent the effects of it. What are you, therefore, doing? You postulate the existence of prostitution which means two parties to it and do you really mean to suggest that these two parties can come together in a moment's notice, that by some magic they will go together to some place? They will naturally insist upon some emissary, some mediator some person to go in between. What is the fun of your saying "I shall allow you to carry on this but I shall not allow an agent, a go-between." It will be i possib , it will be illogical. You are counting against the forces of nature. You are asking the waves not to beat on the shores. Simply say "I do not want prostitution in the State." That will be doing your duty like public men against public women. Are you really doing it? You don't; and you know you cannot. Therefore what happens is this: You cannot get over this because of the trafficker. The cause is there, viz., the existence of prostitution. It is the existence of prostitution that leads to the concomitant evil. You remove prostitution and then the effect of it, viz., the intermediary will go. So long as you permit the existence of prostitution, you cannot pitch yourself against the natural and concomitant effect, viz., the existence of the trafficker. Therefore you go the whole length of preventing the prostitution as I see there is a move in this also. But, of course, you admit you cannot do it.

Now there is another thing. It is all right for you to say ~~that this prostitution is an evil,~~ that trafficking is an evil, -that venereal diseases are on the increase and therefore you want to

put

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put down that trafficking. I ask you are you really serious? Do you say that venereal diseases are on the increase because of the trafficking as distinguished from prostitution? Do you know that venereal diseases are carried into families due to prostitution and not trafficking? So long as you allow an institution which naturally attracts people from the society, so long will there be venereal diseases. Why do you think that trafficker manufactures this disease? He makes a decent disappearance from the scene the moment the two are willing to come together. Who carries the venereal disease to society? Is it the trafficker? It is the prostitute. Then why do you say that if you prevent the trafficker from the scene, the venereal disease will go? You tell a man "If you go between these two people, I will punish you." Very well; how are you going to find him out? He will make himself a very decent gentlemanly figure pretending to be absolutely innocent and the whole thing will be run under-ground. Then you will not be able to say who the man really is. An information bureau whom virtuous people will not admit into society. You will not be able to know who is the man who is behind all these. Now at least there is a chance of your knowing "Here is a man of a particular kind" and we people who do not like him may be free from him. Take the case of places where you have this law--Bombay or Madras. Do you know what is happening there? It is all right for the Moral & Hygiene people to give the statistics. What else have they got but to give statistics to please us?

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I ask another thing. You tell me. T. Ramachandra says that since the introduction of this bill in Madras, the number of brothels has gone down and he has given the figures in Trichy, Kumbakaonam and other places. Who got these figures? The Moral and Social Hygiene people. Let the most honest man go and still the statistics collected will not be reliable. You pass a law to say that if a person is a go-between, he will be punished. You go and ask him "Are you one or" He says "I am not." and you allow him to go. Then you take 4 honest but stupid people who admit their profession and send them to jail. Is this the kind of figures you want us to rely upon?

Well, I ask another question. What do you mean by 'brothel'? You mean a place where a prostitute lives. When you say that a man shall be punished for allowing a prostitute to be a tenant in his house or a hotel-keeper for allowing a customer who is a prostitute, what are you [illegible] You are saying that the prostitutes must own [illegible] houses, which is impossible because, as our friend say, they are such poor, forlorn, dejected, [illegible] ble, hopeless poor people. Somebody else must give the house. But nobody will give. For, are you not really aiming at prostitution? Take the definition of "Brothel" as you give it. 'Brothel' means any house, room, or place, or any part thereof which the occupier or person in charge thereof allows to be used by any other person for the purposes of prostitution. Now, when my [illegible] Mr. Ramachandra has got a house to let, some [illegible] wants to live. He asks ~~him~~ her "Madam, are you a prostitute? Not that I have any objection to your

your being a prostitute--because Mr. Mallappa's Bill does not say that I should not allow prostitution but it says I shall be punished if you are a prostitute. Therefore, please give me an index of it." What do you say to the hundreds of thousands of landlords who want their houses to be tenanted? You want them to find out whether a woman is a prostitute or not. Then you have another section which refers to a man who keeps a hotel or anything of the kind. Poor fellow!. How is this hotel-keeper or for the matter of that, the Cinema man, to know the prostitute, if at 9.30 in the night when the lights are out if somebody sneaks in. The Police officer may snatch the Cinema owner and say " You ought to have taken care to see who was in." Supposing he is charged for knowingly allowing her. Who is to prove whether he knew it or did not know? You are bringing in a bill in which you yourself is confused/ about what you want and what you do not want. You want a prostitute but not a trafficker. If a prostitute lives in a house and has a brother and sends a message/with that brother, what are you going to do with that wonderful being? Are you going to treat him as a trafficker and punish him or will you simply say he is only a member of the family/ and so I will allow him? If you want to treat him as a trafficker within the ambit of your law, you must see this girl/ must be alone in a place. Do you think it is possible? If you are going to penalise prostitution, you must cut off all the roots which feed this. Then the tree will dry up of its own accord. Are you capable of doing it? Here is a man who is prepared to go to the woman. How will you prevent it? You know its existence. Ugly as it

may

may be in society, you cannot shut your eyes to it. Not all the Gates of Heaven or even of Hell, let alone this poor bill of my friend Mr. Mallappa.....

Mr. PRESIDENT.-I think you have said enough to show to the House that you detest this bill root and branch.

Mr. K. T. BHASHYAM AIYANGAR.-No, sir; I want to convince my friend even more than the defeat of this bill, which is a foregone thing.

What about the rescue home for instance? We shall take it for granted that all these girls are brought over to rescue homes. Who is to run it and who is to finance it? One word I submit. Government have had so many things to do for the people. They are doing it--good in some ways, badly in some ways and indifferently in some others. To all their duties, the additional duty of finding husbands to these girls is to be added. Are they going to do it? Do you think, Government can do it?

Mr. PRESIDENT.-Why not?

Mr. K.T. BHASHYAM AIYANGAR.-That is what Mr. Mallappa wants. What about the disparity in sex instinct? Do you know sex instinct is not such a simple matter as it looks? It is the resul of biological and economical causes over which you and I have no control, for which you and I will take a very long time to find a remedy. When you find life in society tending to attract people to this kind of life, i.e., prostitution, which pays more for a woman than to be drudging,

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to be a widow ashamed of herself, everywhere found fault with, scandalised and so on? When once she gets into it and when you find almost everything from food right on to entertainments, feeding the passion of man is not unnautral. ~~You are simply loading, I see, against prostitution.~~ What is the fun of saying "I shall stand up against prostitution? The proper thing for people who want to limit this is to see that there is ~~xxxxxxxxxx~~ a higher level of morality in the life led by the leaders, by the people who lead the society in thought and action. Every thing else will follow automatically. What is the fun of passing a law here and every man doing anything he pleases? Society can never be made moral by this kind of thing. You say innocent girls are being entrapped by the fruit seller, bangle seller and so on. Will they be any the less active after the passing of this bill? Certainly not. Because the moment you go and tackle him, he will say he is her husband. That is what is happening in Bombay and Madras. You don't know my friends. Find out impartially, dispassionately through a society which is not interested in bolstering up the figures. I am not going to say anything against the work of the Social and Moral Hygine societies. But I do not accept their figures. Then these rescue homes will demand a great deal of finance. It will not be possible for the Government to run all these various homes for various religions and keep all these homes efficiently.

My friend Mr. Ramachandra very naively said: "Mysore is a model state. We have already abolished the Devadasi system. Therefore everything is all right now. You cannot find any more prostitution

Therefore pass this bill." I say it is not so simple as that. No doubt, the system of Devadasis coming to the temple openly is done away with. My friend has to study a great deal more about the complicated nature of society. Of course, there may be children, here and there orphans who want money food clothing, and shelter. They can all be given. But once you look at the question of sex, it is a very difficult problem--not so easy for you to tackle. My friend says: "Pass this bill, the future generation will be safe." It will never be. They have passed this bill long ago in several Western countries. Is it all right there? Are all those who form the present generation in those countries and who were the future generation at the time the bills were first passed inthose countries, saints now?

All I wish to say is that this thing has been discussed thread-bare. It is quite unnecessary and undesirable at this stage. I may say at last, if only this bill is passed, you will allow the police to be the very cog of the wheel

Mr. M. RAMACHANDRA RAO SINDIA.-Before speaking on the bill, I have a great desire to compliment Mr. D.V. Gundappa on the very eloquent and exhaustive speech he made before this House. But I am not very much impressed by his speech because, the whole thing was a mere repetition. And in his speech he let the cat out of the bag. He was afraid that Christian Missionaries were going to carry away all those prostitute girls.

Mr. D. V. GUNDAPPA.-On a point of personal explanation, I never said anything so dogmatic as that.

Mr. M. RAMACHANDRA RAO SINDIA.-I may be wrong; but that was the impression created in If Christian Missionaries want to convert them, they have other means and facilities to do that. I know the movement to a certain extent. They are doing it out of purely humanitarian feelings If Mr. Gundappa had only occasion to associate himself with them and go round and see what the sufferings of the girls who are in the brothels are, I am sure he will be one of the first persons to support this bill. But granting that this bill is passed, what is it that he is afraid of? And what is it that we are losing? Even if it is not going to help all the girls in the brothels, even if at least half a dozen destitute girls are saved, I think the bill is worth having He spoke of the rescue homes that are existing As a matter of fact, the rescue home in Bangalore has just begun to work and there are a number of gentlemen belonging to the Hindu community who are members of its management. I believe they are very anxious to develop the association and give as much

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to develop the association and give as much help as possible.

Mr. BHASHYAM Iyengar was very vehemently expressing that these girls must have their own way and do as they pleased. But why should the Indian Penal Code say that those who attempt to commit suicide should be punished? I know Mr. Bhashyam Aiyangar is a successful lawyer who can argue a case both ways. He can colour a case and argue for it powerfully. I would request him to once again think and see whether this bill is really not going to render some help to the orphans and destitute girls.

Khan Bahadur Mahomed Abbas Khan was telling us that prostitution was existing since the world began. It is no doubt true that we cannot prevent prostitution but we can try to minimise it. I believe he admits that the venereal disease cases that are existing in the society are much more rampant now than a decade ago. I am sure these brothels are a sort of distributing centre of venereal diseases. Perhaps he knows how each generation is degenerating and perhaps our medical friends will say that the venereal diseases are one of the causes for the degeneration of the Indian nation.

I once again request the gentlemen who have opposed the bill to reconsider their views and support the bill so that we may really work it to the usefulness of the people as it has been worked in the Madras Presidency. The hon. Inspector General of Police was kind enough to tell us his experience in the Madras Presidency. And the enquiries I have when I visited some of the cities of South India showed that the legislation has really given relief to the people at large.

Rajacharita Visarada Rao Sahib C. MAYAVADANA RAO.-Sir, I do not want to take much time for the simple reason that so much has been spoken to on this subject. I should say one or two speeches delivered this afternoon make me feel that there is still a good leeway to make up. It reminds me of the remark that His Excellency Lord Erskine made the other day that we are very far away still from the time when we could feel completely that the public conscience has been fully awakended to the important of this measure. It seems to me, Sir, that in the very interesting speeches made on one or two aspects of the bill, my esteemed friend Mr. D.V. Gundappa hit the right nail on the head so far as the important aspects of opposition could be put forward. It is true that there is a general impression abroad that this might lead to complications as between communities from which the girls rescued might come. It is an unhappy experience to which he gave expression, but none the less realistic and very real. Of course, the object of the rescue home is such that no legislation on this subject can possibly be contemplated without rescue homes. The one is complementary to the other. Otherwise the children who become inmates cannot possibly be taken away from the house because they are taken at a tender age and the women who take hold of them pretend to be practically their parents and the law as it stands today is absolutely ineffective. So the law that is contemplated is a sort of complement to the rescue home; and the bill recognises that fact not onoly implicitly but also explicitly by saying that the child so removed must be sent up to the rescue home. I think that is a point that h

point that has been very well brought out by hon.Inspector General of Police who spoke this evening. That being so, the organisation of these homes becomes a very important factor for working a legislation of this kind. In Madras certain correspondence has passed between the Chief Secretary Mr. G.T.H.Bracken and certain people who make a request that certain Sections of the Madras Act may be extended to certain areas and the answer given is that since no rescue homes are yet organised in those centres it is impossible to extend the law. So I think provision of rescue homes is within the purview of a legislation of this type. In this bill, Mr Mallappa has not included a clause as it occurs in the Madras Act. We have to provide for it. That only shows the necessity for careful legislation. It does not mean that legislation is not required.

Another point is that the Salvation Army has been intersting itself in this matter. In Madras a suggestion has been made as to how it has to be done, what is the discipline of the home whether it is sectarian from the point of view of religion (they used the word sect wrongly) or non-sectarian. The answer was wrung from them that though the inmates were subject to certain kind of discipline in regard to their movements and other things, they would be treated as absolutely non-sectarian, i.e., on a non-sectarian footing and talks of Christianity could not arise and no question of religion could arise and even religious teachings would have to be forbidden

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in rescue homes. These are almost essential things. The evil is a great one. One or two suggestions have been made here which must be remembered in connection with the framing of a legislation of this kind, whether particular area the Act is to be extended or not, whether there is scope or need for it, and whether there is also the necessity is contemplated by the legislation.

One or two suggestions were made by very important and respected people about the statistics in regard to particular cities. There can be no harm. I don't think Mr. Mallappa says that this bill should be passed tonight by suspending all the rules. He wants the principle of the bill to be accepted. That is a matter that is well capable of apprehension on our part in the right spirit. The evil is inter-provincial so far as India is concerned. In fact, it is international. One has only to go to important cities, particularly to sea-ports, see the extraordinary ramifications and conditions that exist in regard to this commercialised vice. In England 30 years ago, the White Slave Trade Traffic Act was passed. The British Criminal Law does not recognise any other cases for whipping than the Slave Act. That is the only law which recognises whipping. Whoever may be the person whether he belongs to a particular nationality or not, he is whipped publicly for an offence committed under the White Slave Traffic Act.

The League of Nations at Geneva appointed a Commission in 1932, who after investigation have found that commercialised vice has spread throughout the whole world and has become international, and have pointed out the necessity for each State legislating in order that they may bring it under control (any abolition of the vice altogether is impossible/ in the sense it cannot be achieved in a single day or century.) But since the of Butler much has been done to conquer the spirit of man. The beast in man shall die and it shall die one of these days. Let us work towards that consummation. If that is so ~~[illegible]~~ the House will agree and help the public by legislation of this on properly worked out lines. This House will be satisfied and the hon. Mover will be satisfied if Government gave an assurance that ~~will~~ would go into the matter, find out statistics even call for public opinion and even from municipalities and work out a scheme which might win the approbation of the general public of the land, both men and women, who are contributing to society. Such a consummation is one which we all wish to. I only wish that that will be the attitude of the Government and also of the members of Government who have got the freedom to ~~xxxx~~ vote.

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Mr. D. S. MALLAPPA.-I am glad that this bill has elicited much enthusiasm in this House. Some hon. members have vehemently opposed it while others supported it with equal enthusiasm rather more enthusiasm. But none of the opposers have made out a strong case for me to drop the bill or for the House to throw it out. First, my old friend Khan Bahadur Mahomed Abbas Khan spoke about it rather in strong terms using words like recklessness and other things with regard to my figures, etc. I am also equally capable of using much stronger words but on account of his age and also my old friendship, I abstain from doing it. That was the substance of his argument? He spoke about the rescue homes. Really rescue homes are a necessary adjunct to this legislation. They should be started and innocent girls who are subjected to unscrupulous people's selfishness should be rescued and they must be saved from a life of degradation. However, I may say to him that an hon'ble gentleman by name Mr. Yakub Hasan ~~Husain~~ in the Regional Conference that was recently held at Madras said:

> "According to Islamic law, prostitution is a great crime and men and women guilty of it were punished by flogging in olden days ..."

He however says that "Nothing could be done without the help of legislation." So that gentleman, who is a Muslim, has pleaded strongly for legislation.

Mr. Abbas Khan also stated that medical examination should be provided and the prostitutes might be segregated and so on. My only reply to him

reply to him is such a thing was tried in several places and segregation did not stop the vice. On the other hand, it gave greater scope for unscrupulous people to induce innocent girls and women to become their tools and earn for them like slaves throughout their lives in this vice. The procuers derive all the benefit out of these girls. Segregation and medical examination will go to increase the evil. Because the law will not punish the procurers who will be engaged in this profession. So these remedies would not apply here.

Rao Bahadur B.K. Garudachar stated that this vice is not prevalent to such an extent as I have described. I may tell him that the figures are completely reliable and the hon. Inspector General of Police also has said that they are correct. Further the representation of the Moral and Social Hygiene Association also confirms the figures more or less with a slight difference. That shows that the vice is existing in the City of Bangalore. Further the representative of the city Mr. C.N.Narasinga Rao, who is an active member of the municipality, has stated in the Assembly that the Social and Moral Hygiene Association had written to the Police Department and also to the authorities of certain important hospitals. The reply received from the Police Department showed that even the officers of the department did not have full information relating to the immoral traffic in prostitution; but the information received from the hospitals showed that the health of the inmates and of the

children born to them has been affected to a large extent. They say further that even the police are helpless because there is no special legislation in the land to stop the evil. Mr. P. Sitaramiah who is also an active member of the Mysore City Municipality has in very strong terms supported this bill in the Assembly.

Brahmachari T. Ramachandra has stated that the Municipal Council of Mysore has wholeheartedly supported this measure by passing a resolution to that effect. So far as the Bangalore City Municipal Council is concerned, the very replies that they have sent and the indifference they have exhibited show to what they have realised their responsibility with regard to this important matter. They cannot plead now that they had no information about matter and that there was no requisition for an expression of opinion with regard to this investigation. If they had only showed great responsibility and if they had only viewed this important matter with the importance that it deserves, I am sure they too would have fallen in line with us, though not the President at least the younger generation xxxxxxx x it is are in large numbers as members of the council

In the course of the observations made by Rajasabhabhushana Diw.Bahadur K.R. Srinivasa Iyengar, he said that he was keep an open mind and all that he wanted was to be convinced. If, in spite of the facts and figures supplied to this House xxxxxxx by me and also by the Moral and Social Hygiene Association and by the meetings convened in Bangalore

he is not convinced, I can only say that one can take a horse to the water but one cannot make it drink.

The arguments advanced by Mr. D.V. Gundappa and/Mr. Bhashyam Aiyangar are not very valid ones. They have not made out a strong case for dropping the bill. They/simply say public opinion is against legislation and that we cannot completely eradicate the evil. I admit the latter statement. But can we not minimise the evil as other countries have done? That is the question I ask of them.

Mr. D. V. GUNDAPPA.-No.

Mr. D. S. MALLAPPA.-Some unfortunate girls are being misused by some unscrupulous people. The very existence of the evil and the very fact that some unscrupulous people are using these girls for immoral purposes must set them serio sly thinking. Do they tolerate it? I expect them, being responsible men, to have devoted more serious attention to this matter./ The only inference I can draw from the various speeches made in opposing the bill is that they seem to have some misapprehension and also some antagonism to the Association for Social and Moral Hygiene. The cat was let out of the bag from the various speeches made in opposition.

(Mr.D.V.Gundappa.- Thanks for the compliment.)

Mr. D. V. GUNDAPPA.-May I point out to the Member that it is a very disrespectful way of suggesting that we have any motive? We have no motive at all.

D.S. Mallappa.-

Mr. ~~[illegible]~~.-That is the inference I can draw from their speeches.

Regarding ~~[illegible]~~ the work turned out by Social and Moral Hygine Association, I need not say anything here. Regarding the apprehension that Christian Missionaries would derive greater advantage by this legislation in the matter of conversion and other things, I can only disabuse their minds by stating that even in Madras the Christian Associations which interested themselves more and more in this matter have worked out of love for humanitarian service than for religious conversion. The very fact that the Lord Bishop of Madras presided over the Regional Conference convened by representatives of various religions and various public bodies showed that the organizers did not apprehend that it was a move to convert people to Christianity.

Nothing untoward will happen if this bill were to become law. I think there is not much to be said about the humourous remarks made by Mr. Bhashyam Aiyangar. We know his views and also his curious arguments advanced last time in the Assembly and here now. If he had only felt for the unfortunate girls as much as many others are feeling and if he really thought that he would be rendering a service by rescuing these unfortunate ones, I think he would have certainly ~~[illegible]~~ extended his whole-hearted support to the measure. Some points were urged during the course of discussion that the existing provisions in the

several legislations prevailing in the country are quite sufficient. I have already pointed out in my introductory speech that they are not sufficient to meet the situation and that the Penal Code deals only with married women and minor children. There is no need to go further into this aspect of the matter.

I hope the Government would extend their sympathetic consideration to this matter I am quite prepared to agree to the personnel of the Select Committee that is going to be proposed by you, Sir, and if any amendments in the bill are called for in any respect, I am quite prepared to do that. All that I aim at is that we should minimise the evil to a great extent and as far as possible by means of legislation. Of course, social work should be carried on in this respect. I am alive to it and public workers are ready to do that and several Associations are interesting themselves in this matter.

In conclusion, I request the House to extend its whole-hearted support to this measure.

THE FIRST MEMBER (Mr. Rajadharma pravina C.R. Rajagopalachari).-Sir, I might remind the Hon of the statement I made last time when this bill was before this House at the first stage. I then said: "Government think that a prima facie case has been made out for an examination of the question dealt with in the bill which has been placed before the Legislative Council." Government have since examined the matter and in the light of the information that has been placed before them, they are of opinion that this bill may go through to its next stage. In saying that, I wish to repeat what was stated last time, viz., that Government are simply accepting the principle of the necessity for some kind of legislative action in this matter. Of course, to agree to undertake legislation is one thing; but to pass an agreed legislation regarding the various details is an entirely different thing. There will be naturally difference of opinion as to the methods of giving effect to the objects that all of us have in view and I do not at all, therefore, complain of the various divergences of opinion that have been exhibited during the course of the discussion of certain of the provisions contained in the bill. On the whole, I repeat that Government have no wish to delay the further examination of this question during the proceedings of the select committee.

There are one or two observations made by Mr. Hamilton which I wish to emphasise. Especially as regards the question of rescue homes, Government are perfectly satisfied and are clear in their mind that these provisions cannot be satisfactorily en-

forced

enforced unless and until there are a sufficient number of rescue homes.

The next question is how to give effect to this idea. Even the opposers of the bill mainly stressed on the want of rescue homes at present, which would make the operation of the bill entirely ineffective. Government accept the idea contained in that statement. And subject to further examination during the course of the select committee, I would propose that ~~the~~ Section 1 (b) be recast somewhat on these lines:

The first sentence will be kept on and the ~~following xxxxxxxxxxxx~~ rest will be recast as follows:--

"Government may by Notification extend the rest of the Regulation to any local area all or any of the provisions with such verbal modifications.....such extension."

I would also add this proviso, viz.,

"Provided that Sections 7, 8, 9 and 10 shhould not be so extended unless the Government are satisfied that there are a sufficient number of rescue homes."

I think this would meet two of the main objections of the members who opposed the bill. First, I hope it would satisfy the Chairman of the Bangalore City Municipality as that city would not be singled out for special mention. The second objection which is more vital and more important that rescue homes are a necessary part and parcel of the organization required to give effect to the provisions of this bill should be first provided, will be met by the addition of a provision about 'rescue homes'. I might also say that Government do not stand committed to starting rescue homes themselves or to finance them in any respect. It would be the business

business or societies or other local bodies even interested in the promotion of this reform to provide the necessary conveniences; and if afterwards Government are satisfied about that, then they might extend those provisions to any such local area. This should be made an important part of the bill and Government would agree to the bill if some such words--I do not say exactly these words--are adopted. If the principle contained in my suggestion is accepted, then Government will agree. Subject to that, Government have no objection to the matter being referred to the select committee.

Mr. D.V. GUNDAPPA.-On a point of order, after this statement on behalf of Government, what becomes of the announcement made yesterday by the President that official members are free to vote as they like?

Mr. S. P. RAJAGOPALACHARI.-I might perhaps remind the hon. Member of what took place last time?

Mr. D. V. GUNDAPPA.-May I remind the First Member of what took place just yesterday?

Mr. S. P. RAJAGOPALACHARI.-First, what took place last time and then what took place yesterday.

Last time the same hon. Member raised the very same question and then it was decided. Yesterday the hon. Member stated evidently that official members were given the right to vote as they liked. That is not correct.

Mr. D. V. GUNDAPPA.-I never said last time that officials were free to vote as they liked. On the other hand, they voted as the Government Member had indicated. But just yesterday, the President was pleased to say that official members would be free to vote as they liked.

Mr. S. P. RAJAGOPALACHARI.-That was last time when the official members.....

voted after the Government Member had indicated the Government's attitude. Now Government have decided so far as this bill is concerned, that it should go through the select committee, subject to certain ideas being accepted. That is the statement of Government and as in last time, the official members will vote with the Government.

Mr. D. V. GUNDAPPA.-So yesterday's announcement becomes superseded?

Mr. S. P. RAJAGOPALACHARI.-Modified.

Mr. D. V. GUNDAPPA.-Completely superseded. And may I venture to remark that this procedure is awkward for a great many of us? I had a good mind to begin my remark about the procedure, etc. I wish I had given vent to my feelings.

Mr. S. P. RAJAGOPALACHARI..On that point I wish to make one or two remarks.

Mr. D.V. GUNDAPPA.-I should be grateful.

Mr. S. P. RAJAGOPALACHARI.-The position would be really like this: This is a matter of legislation and as so many members have pointed out, Government will have to take action immediately. It is a matter for executive action. It is also a matter of allowing a private body to do something. The moment this bill is passed into law, the police and the magistracy will be called into action and Government have therefore to take the responsibility of coming to a conclusion whether they accept this bill or not. If they do not like it, we can oppose it. But having come to the conclusion that some such law should be passed, it

follows

follows that Government are responsible for giving effect to it. That cannot be gainsaid and in matters of legislation when Government have made up their mind in one particular manner it means, of course, that the attitude of official members is practically settled.

Mr. D. V. GUNDAPPA.-My complaint is not at all on that point.

Mr. S.T. RAJAGOPALACHARI.-As a matter of fact, the statement was made yesterday when the bill had not been fully discussed. In fact, it has been discussed the whole of today and the final decision has to be taken now as to what attitude they should take. It was with the view Government requested the Inspector General of Police to make his remarks so that Government might be in a position to know exactly how the matter will work. No doubt this is a stage when Government have to accept responsibility for legislation. If they do not like it, they have to do so but if they do like to proceed with its further stages, they must say that also. I may also say that at the select committee stage, it is open to the select committee to examine the matter and if it really finds that practically no effect could be given to it, they are at liberty to say that the bill may be kept in abeyance for some time. It is a matter for the select committee to examine all these things very carefully.

Mr. D. V. GUNDAPPA.-I may be forgiven. I did not intend to give so much trouble to the Government Member My point is not one on which he need dwell at so much length at all. If Government

Government had in their possession any information which led them to a particular conclusion, I wish that that information had been placed at our disposal at an early stage of the bill. The information, for example, that Government have some independent information which has enabled them to arrive at the conclusion, might have been communicated to us at an early stage. After we have wasted our lungs for two days together.. .....

Mr. S. R. RAJAGOPALACHARI.-As I said, the information furnished, Government are satisfied that there is sufficient ground to proceed with the further stages of the bill.

Mr. D. V. GUNDAPPA.-If this statement had been made this morning, at least a good many lungs might have been saved. Too many speeches might have been saved and cut short. We know that Government decide all these matters in advance.

Mr. PRESIDENT.-The speeches of the members have helped Government to come to that decision. In view of the criticisms that have been made, Government have been enabled to come to this conclusion.

Mr. D. V. GUNDAPPA.-May we know when Government made up their mind?

Mr. PRESIDENT.-Not made up their mind. Yesterday as I told you, the idea was to allow the official members freedom of voting. But after subsequent discussions we came to the conclusion

conclusion that, on the whole, it was in the best interests of the country that this measure or some such measure should be proceeded with.

Mr. D. V. GUNDAPPA.-Of course, if it was only 5 minutes ago that Government made up their mind, I have nothing to say.

Mr. PRESIDENT.-It is not so late as that. However, I will now put the motion to the House:

The question is:

"That the Bill to enforce legislation suppressing Immoral Traffic in the State, published under rule 7 of the rules of business be read in Council."

The motion was adopted.

(b) Motion that the bill be referred to a select committee.

Mr. D. S. MALLAPPA.-I should go by your suggestion, Sir, with regard to the select committee stage of the bill.

Mr. S. P. RAJAGOPALACHARI.-Sir, I beg to move that the bill be referred to a select committee consisting of the following gentlemen:

Messrs. D.S. Mallappa,
A.E. Walden,
T. Ramachandra
Rao Bahadur B. K. Garudachar
Khan Bahadur Mahomed Abbas Khan
Rajasabhabhushana Diwan Bahadur K.R.Srinivasaiyar
F. A. Hamilton
Sastravydyapravina Dr. S. Subba Rao
A. R. Nagesvara Aiyar
H. V. Ramasvami
D. V. Gundappa
H. C. Dasappa
and the Member of Government in charge of the portfolio as Chairman.

The General Secretary to Government (M. Venkatesa Iyengar).-Sir, I to second the motion.

Mr. PRESIDENT.-The question is:

"That the Bill to enforce legislation suppressing Immoral Traffic in the State be referred to a select committee consisting of the gentlemen named by the Mover."

The motion was adopted.

TEL. ADDRESS: "DESAMUDRE", TIPTUR

D. S. MALLAPPA, M.L.C.

MERCHANT, EX-PRESIDENT,
TUMKUR DISTRICT BOARD, AND
DIRECTOR OF THE BANK OF MYSORE, LTD.

TIPTUR (MYSORE STATE)

No.

D.810.

Dated 11th.Novr.35.

OFFICE OF THE SECRETARY
12 NOV. 1935
REPRESENTATIVES

Ce
12/11/35

To

The Secretary

Lagislative Council.Bangalore.

Dear sir,

You know that the Council gave its permission to introduce a Bill on the suppression of immoral traffic in the State at its last session. I now wish to introduce it at the ensuing session of the Council.The permission of the Presedent may kindly be obtained and communicated to me.

I request you to kindly send me two copies of the bill which was circulated among the members of the Council at its last session.

Yours sincerely,

DSMallappa

Appendix F G–1]

2

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat

(.)

the 193 .

Date of issue 13th November 1935

Signed by H. C. Subrahmanyam

Section.

File No.

Serial No.

No. 1837/Ex: Gw o Dept

To

L.C.

D. S. Mallappa Esq

M. L. C.

Tipatur.

Sir,

In enclosing ~~[illegible]~~ herein two copies of the Bill to enforce legislation suppressing Immoral Traffic in the Mysore State as desired in your letter dated 11th Nov 1935, I am directed to point out that ~~under~~ Rule 7 of the rules governing the conduct of business in the L.C. requires that the mover should send to the Secretary, L.C. the Bill together with a full statement of the objects of and reasons for the proposed measure and any connected papers for being printed and circulated amongst the members and published in the Gazette 15 clear days before the date of introduction. I request you kindly comply with this condition. ~~for the necessary actions being taken in the matter.~~ and send you a Bill copy & statement of Objects & Reasons in time for obtaining orders & publishing in the Gazette.

~~I have the~~

~~Secretary, L.C.~~

List of enclosures.....

Copied by.....

Examined by.....

As the last date for publication of the Bill in the Gazette is 28th Nov

As you desire to introduce at the ensuing L.C. meeting, a formal [illegible] from your under S.O. 39 will also be [illegible]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

3

Office of the Secretary,
Representative Assembly and Legislative Council,

Bangalore, Dated, 13th November 1935.

No. 1837/Gen: Assembly

From C. Subrahmanya Aiyar, Esq., B.A., B.L.,
~~The Secretary,~~
Representative Assembly and Legislative Council.

To
D. S. Mallappa, Esq.,
Member, Legislative Council,
Tiptur.

~~Sir,~~

S i r,

In enclosing herein two copies of the Bill to enforce Legislation suppressing Immoral Traffic in the Mysore State as desired in your letter dated 11th November 1935, I am directed to point out that Rule 7 of the rules governing the conduct of business in the Legislative Council requires that the mover should send to the Secretary, Legislative Council, the Bill together with a full statement of the objects ~~of~~ and reasons for the proposed measure and any connected papers for being printed and circulated amongst the members and published in the Gazette 15 clear days before the date of introduction. As the last date for publication of the Bill in the Gazette is 28th November, I request you to kindly comply with this condition and send me a Bill copy as now approved by you and statement of objects and reasons in time for obtaining orders and publishing in the Gazette.

As you desire to introduce the Bill at the ensuing Legislative Council meeting, a formal notice from you under Standing Order 39 will also be necessary.

I have the honor to be,
Sir,
Your most obedient servant,

Secretary,
Legislative Council.

Fair Draft.

TEL. ADDRESS: "DESAMUDRE", TIPTUR

D. S. MALLAFPA, M.L.C.

MERCHANT, EX-PRESIDENT,
TUMKUR DISTRICT BOARD, AND
DIRECTOR OF THE BANK OF MYSORE, LTD.

D. 275

TIPTUR (MYSORE STATE)

No.

Dated 19th. Novr. 35.

OFFICE OF THE SECRETARY,
20 NOV. 1935
REPRESENTATIVE ASSEMBLY
LEGISLATIVE COUNCIL.

To

The Secretary

Legislative Council. Bangalore.

Dear sir,

I wish to move at the ensuing session of the Legislative Council A Bill to enforce Legislation suppressing immoral traffic in the Mysore State. The leave of the house as you know was granted at the last session of the session. As per rule 7 of the rules governing the conduct of business in the Legislative Council I have herewith enclosed the Bill togather with the objects and reasons of the bill for being printed and circulated among the members of the Council and also published in the Gezette. I hope you will please do the needful in the matter.

Yours sincerely,

D S Mallappa

P.S.

I have herewith enclosed my resolutions also.

THE MYSORE LEGISLATIVE COUNCIL.

BUDGET SESSION—JUNE 1935.

PRIVATE BILLS.

I.

A Bill to enforce Legislation Suppressing Immoral Traffic in the Mysore State.

Whereas it is expedient to enforce the law regarding Suppression of Immoral Traffic in the Mysore State, it is hereby enacted as follows :—

SHORT TITLE.

1. (*a*) This Regulation may be called the Mysore Suppression of Immoral Traffic Regulation of 193 .

EXTENT.

(*b*) This Section, Section 6, Section 12, Section 13, and Section 16 shall extend to the whole of the Mysore State. The rest of this Regulation shall extend, in the first instance, to the Cities of Bangalore and Mysore, but the Government may, by notification, extend to any other local area, all or any of its provisions with such verbal modifications as, having regard to the principles of this Regulation, may be necessary for the purposes of such extension.

DEFINITION.

2. In this Regulation, unless there is anything repugnant in the subject or context :—

'Brothel' means any house, room, or place, or any part thereof which the occupier or person in charge thereof allows to be used by any other person for the purposes of prostitution.

'Place of public amusement' shall mean any place, enclosure, building, tent, booth, or other erection, whether permanent or temporary, where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided, and to which the public are admitted either on payment of money or with the intention that the money may be collected from those admitted, and shall include a race course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium or fencing school, massage room and turkish baths.

'Place of public entertainment' shall mean any place, whether enclosed or open, to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place; and shall include a refreshment-room, eating-house, coffee-house, liquor-house, boarding-house, lodging-house, hotel, tavern, or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop.

'Prostitution' means indiscriminate sexual intercourse for hire.

'Magistrate' means a City Magistrate or a Stipendiary Magistrate of the First Class.

'He' means and includes 'She' also.

SOLICITATION.

3. Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not,

(*a*) by words, postures, wilful and indecent exposure of his or her person or otherwise, attracts or endeavours to attract attention for the purpose of prostitution, or;

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(*b*) solicits or molests any other person for the purpose of prostitution shall be punished with imprisonment for a period or term which may extend to three months, or with fine which may extend to one hundred rupees.

PROSTITUTION IN PLACES OF PUBLIC AMUSEMENT.

4. Whoever being the owner, keeper, landlord or manager of any place of public amusement or entertainment, knowingly permits prostitutes or procurers for the purpose of their trade to meet or remain in such place, shall be punished with fine which may extend to one hundred rupees.

LIVING ON THE EARNINGS OF PROSTITUTION.

5. (*a*) Any person over the age of sixteen who knowingly employs or causes or abets the employment by another person for prostitution and lives, wholly or in part on such earnings shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees, or both.

Presumption thereof.

(*b*) Where a person is proved to be living with or to be habitually in the company of a prostitute or is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting, or compelling her prostitution with any other person or generally, it shall be presumed, until the contrary is proved, that he is knowingly living on the earnings of prostitution.

PROCURATION.

6. Any person who procures or attempts to procure or causes to procure any woman or girl, whether with or without her consent, to become a prostitute, or who, with intent that she may for the purposes of prostitution become the inmate of or frequent a brothel, persuades a woman or girl to leave her usual place of abode, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees, or both.

IMPORTING WOMAN OR GIRL FOR PROSTITUTION.

7. Any person who brings or attempts to bring or causes to be brought into any village, town or city in the State, any girl or woman, with a view to her becoming a prostitute, shall be punished with imprisonment which may extend to three years, or with fine which may extend to five hundred rupees, or with both.

8. Where a Magistrate empowered under this Regulation has reason to believe from a report made to him by a Police Officer, or otherwise, that a girl apparently under the age of 18 years is living or is carrying on or is being made to carry on the business of a prostitute in a brothel, disorderly house, or place of assignation, he may issue an order to a Police Officer not below the rank of an Inspector specially authorised in writing in this behalf by the Superintendent of Police, to enter into such brothel, disorderly house or place of assignation and to remove therefrom such girl; and thereupon such Police Officer shall have the power to enter into such brothel, disorderly house, or place of assignation, and shall be entitled to remove such girl forthwith from such brothel, disorderly house or place of assignation.

COMMITMENT TO SUITABLE CUSTODY.

9. A girl who has been so removed shall be brought before a Magistrate empowered under this Act, and the Magistrate shall cause an inquiry to be made and if satisfied that the girl is under 18 years of age and that she should be dealt with as therein provided, may make an order that such girl be placed, until she attains the age of 21 years or for any shorter period, in a Rescue Home provided or aided or recognised by the Government or in such other custody as the court for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or body of a different religious persuasion from that of the girl.

INTERMEDIATE CUSTODY OF THE GIRL REMOVED FROM BROTHEL, ETC.

10. When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of Section 8, the Superintendent of Police in Mysore or any other Police Officer carrying out the removal shall, until such girl can be brought before the court, cause her to be detained in a Rescue Home provided, aided, or recognised by the Government (other than a police station or jail), provided that as far as possible such custody shall not be that of a body of a different religious persuasion from that of the girl.

UNLAWFUL DETENTION FOR PROSTITUTION.

11. (*a*) Whoever detaining any woman or girl against her will,

(i) in any house, room, or place in which the business of a common prostitute is carried on, or

(ii) in or upon any premises with intent that she may have sexual intercourse with any man, other than her husband, whether with any particular man or generally,

shall be punished with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Presumption thereof.

(*b*) Where a woman or girl is in any house, room, or place in which the business of a common prostitute is carried on, or is in or upon any premises for the purpose of having sexual intercourse referred to in sub-clause (ii), a person shall be deemed to detain such woman or girl in such house, room, place or in or upon such premises if, with intent to compel or induce her to remain there, such person withholds from her any wearing apparel, personal ornaments or other property belonging to her; or, where wearing apparel, personal ornaments, other personal property, or money has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel or personal ornaments or other personal property so lent or supplied, or for the recovery of such money.

BAR OF CERTAIN LEGAL PROCEEDINGS.

12. No civil suit shall lie, and no proceedings whether civil or criminal shall be taken, against any such woman or girl or against any person on her behalf, by or on behalf of any person occupying or managing or acting or assisting in the management of any such house, room, place or premises, for the recovery of any wearing apparel, personal ornaments, or other property, alleged to have been lent or supplied to or for such woman or girl or to have been pledged by or for her or for the recovery of any money alleged to be payable by or on behalf of such woman or girl.

PUNISHMENT FOR KEEPING A BROTHEL OR ALLOWING PREMISES TO BE USED AS A BROTHEL.

A

13. (i) Any person who –

(*a*) keeps or manages or acts or assists in the management of a brothel; or

(*b*) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or

(*c*) being the lessor or landlord of any premises or the agent of such lessor or landlord, lets the same, or any part thereof, with the knowledge that the same or any part thereof, may be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof, as a brothel;

shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees.

Punishment for Subsequent Offence.

B

13. (ii) Any person who, having been convicted of an offence punishable under Section A, is convicted of a subsequent offence punishable under the said section, shall be punished with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and may in addition to such punishment, be required by the court to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the court may direct, and in default of executing such bond, may be imprisoned for a period not exceeding six months in addition to the punishment awarded in respect of his offence.

Determination of Tenancy of Premises on Conviction for Permitting use as a Brothel or for Purposes of Habitual Prostitution.

C

13. (iii) (*a*) On conviction of the tenant, lessee, or occupier for any offence under Section A, clause (*b*), the landlord or lessor shall be entitled to require the person so convicted to assign the lease or other contract, under which the said premises are held by him, to some person approved by the landlord or lessor, which approval shall not be unreasonably withheld, and, in the event of the person so convicted failing within three months to assign the lease or contract as aforesaid, the landlord or lessor shall be entitled to determine the lease or other contract, but without prejudice to the rights or remedies of any part to such lease or contract accruing before the date of such determination.

(*b*) If the landlord or lessor determines a lease or contract of tenancy under the provisions of sub-section (*a*), the court which has convicted the tenant, lessee or occupier may make an order for delivery of possession to the landlord or lessor within such time, not being less than seven days, as the court may direct. The order shall be served on the person against whom it is made in the manner provided in the Code of Criminal Procedure for service of a summons, and if such person fails to comply with it, he shall be punished with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees.

(*c*) If the landlord or lessor after he has received notice in writing of such conviction fails to exercise his rights under sub-section (*a*) and consequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have abetted that offence, unless he proves that he has taken all reasonable steps to prevent the recurrence of the offence.

(*d*) Where a landlord or lessor determines a lease or other contract under this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person, without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence, he shall be deemed to have failed to exercise his rights under the provisions of this section and any such offence committed during the subsistence of the subsequent lease or contract shall be deemed, for the purpose of this section, to have been committed during the subsistence of the previous lease or contract.

ARREST WITHOUT WARRANT.

14. (*a*) Any Police Officer, not below the rank of an Inspector on information, and, if the offence is committed in his view, any Police Officer specially authorised in this behalf by the District Magistrate, may arrest without a warrant any person committing an offence punishable under Section 3.

(*b*) Any Police Officer, not below the rank of an Inspector, may, without an order from a Magistrate and without warrant, arrest any person who has been concerned in an offence punishable under Section 11, or against whom a reasonable complaint has been made, or credible information has been received, of his having been concerned in an offence under sub-section (*c*) of Section 13 (i).

POWER TO ENTER PREMISES.

15. If the Magistrate of the District or a First Class Magistrate or the District Superintendent of Police or Assistant Superintendent of Police, holding

jurisdiction in the area, for the purpose of ascertaining whether an offence punishable under Sections 5, 6, 7 and 11, has been or is being committed in any building, enclosure, room, place in which he has reason to believe that any woman or girl is living in respect of whom, an offence punishable under Sections 5, 6, 7 or 11 has been committed, may either himself enter or by his warrant give authority to any Police Officer, not below the rank of a Police Inspector, to enter with such assistance as may be found necessary, by night or by day and by force, if necessary.

Any Police Officer, not below the rank of an Inspector, authorised in this behalf by the District Magistrate by special order may, for the purpose of ascertaining whether an offence punishable under Sections 5, 6, 7, 8 or 11 has been or is being committed, enter without a warrant, any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under Sections 5, 6, 7, 8 or 11 has been committed.

OFFENCES TRIABLE BY CERTAIN MAGISTRATES ONLY.

16. Offences punishable under Sections 5, 6, 7 or 8 shall be triable by the Courts of Session, City Magistrates and Stipendiary Magistrates of the First Class only.

Statement of Objects and Reasons.

At present, there is no law in Mysore to suppress immoral traffic. There is a considerable volume of public opinion in the country desirous of introducing legislation in this important matter. Hence the Bill is prepared for the acceptance of the legislative bodies in Mysore. As the Bill that was introduced in 1932 in this behalf was not approved, some changes have been made in this Bill so that it may meet with the approval of the Assembly and then the Legislative Council.

The Bill contains the following provisions :—

Section 1.—(*a*) Describes the title of the Regulation.

(*b*) Describes the area where the different provisions of the Bill will be in operation and also describes the power to be reserved to Government about the extension of the different provisions of the Bill, from time to time, to different parts of the State.

Section 2.—Definition of the various terms used in the Bill is given.

Section 3.—Provides punishment to persons who allure people for purposes of prostitution.

Section 4.—Provides punishment to those who entertain prostitutes in places of amusement.

Section 5.—Provides punishment to persons who abet prostitution and also live on the earnings of prostitutes kept by them for business.

Section 6.—Provides punishment to persons who procure or cause to procure girls or women for employing them as prostitutes.

Section 7.—Provides punishment to persons who import females for employing them as prostitutes.

Section 8.—Empowers Magistrates to issue orders for the removal of minor girls from brothels.

Section 9.—Empowers Magistrates to order the keeping of minor girls in Rescue Homes or in the custody of relatives until they attain the age of 21.

Section 10.—Provides authority to Police Officers to keep the rescued girls in Rescue Homes until they are produced before Magistrates.

Section 11.—Provides punishment to persons who detain females without their consent for the purposes of making them lead lives of prostitutes under them.

Section 12.—Absolves the females entertained in brothels from all civil and criminal liabilities with regard to the properties, *viz.*, ornaments, etc., that had been lent to them or given to them for keeping them under bondage in the brothels.

Section 13.—(a) Provides punishment for keeping a brothel or for allowing any premises to be used as brothel.

(b) Provides enhanced scale of punishment to habitual offenders.

(c) Provides for the determination of tenancy of premises on conviction for permitting use as a brothel or for purposes of prostitution.

Section 14.—Provides for arrest of persons guilty of offences under various sections in the Bill without warrant.

Section 15.—Empowers certain officers to enter premises for purpose of ascertaining whether offences under certain sections are committed there are not.

Section 16.—States by what Magistrates the offences under this Regulation are triable.

MOVER:—**Mr. D. S. Mallappa.**

II.

A Bill to restrain the Solemnisation of the Child Marriages in the Mysore State.

WHEREAS it is expedient to restrain the solemnisation of Child Marriages, it is hereby enacted as follows:—

SHORT TITLE, EXTENT AND COMMENCEMENT.

1. (i) This Regulation may be called "The Child Marriage Restraint Regulation, 193 ."

(ii) It extends to the whole of Mysore State.

(iii) It shall come into force on .....

DEFINITIONS.

2. In this Regulation, unless there is anything repugnant in the subject or context:—

(a) "Child" means a person who, if a male, is under 18 years of age, and if a female, is under 14 years of age;

(b) "Child Marriage" means a marriage to which either of the contracting parties is a child;

(c) "Contracting Party" to a marriage means either of the parties whose marriage is thereby solemnised; and

(d) "Minor" means a person of either sex who is under 18 years of age.

PUNISHMENT FOR MALE ADULT BELOW 21 YEARS OF AGE MARRYING A CHILD.

3. Whoever being a male above 18 years of age and below 21, contracts a child marriage shall be punishable with fine which may extend to Rs. 1,000.

PUNISHMENT FOR MALE ADULT ABOVE 21 YEARS OF AGE MARRYING A CHILD.

4. Whoever being a male above 21 years of age contracts a child marriage shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to Rs. 1,000 or with both.

PUNISHMENT FOR SOLEMNISING A CHILD-MARRIAGE.

5. Whoever performs, conducts or directs any child-marriage shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to Rs. 1,000 or with both, unless he proves that he had reason to believe that the marriage was not a child marriage.

PUNISHMENT FOR PARENT OR GUARDIAN CONCERNED IN A CHILD-MARRIAGE.

6. (i) Where a minor contracts a child-marriage, any person having charge of the minor, whether as a parent or guardian or in other capacity, lawful or unlawful, who does any act to promote the marriage, or permits it to be solemnised, or negligently fails to prevent it from

Appendix F G–1]

SUBJECT

11

Section.

File No.

Serial No.

No. 1920/Encls.

To C.C.

Notification.

Under Rule 7 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying private Bill to enforce legislation suppressing Immoral Traffic in the Mysore State is published for general information with the statement of objects and reasons.

B.G.

Secretary, Mysore Legis. Council

To

The Compiler, Mysore Gazette, for publication in the Gazette — English and Kannada — with a request that 250 spare copies in English and 50 in Kannada may be sent to this office.

Diary No. of letter replied to

General and Revenue Secretariat

( )

the 193 .

Date of issue 22nd November 1925

Signed by Mr. C. Subramanya Aiyar

List of enclosures

Copied by

Examined by

12

NOTIFICATION.

No. 1920—L.C. Bangalore dated 22nd November 1935.

Under Rule 7 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying private Bill to enforce Legislation suppressing Immoral Traffic in the Mysore State is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary,
Mysore Legislative Council.

BILL TO ENFORCE LEGISLATION SUPPRESSING IMMORAL TRAFFIC IN THE MYSORE STATE.

Whereas it is expedient to enforce the law regarding Suppression of Immoral Traffic in the Mysore State, it is hereby enacted as follows :—

SHORT TITLE.

1. (*a*) This Regulation may be called the Mysore Suppression of Immoral Traffic Regulation of 193

EXTENT.

(*b*) This Section, Section 6, Section 12, Section 13, and Section 16 shall extend to the whole of the Mysore State. The rest of this Regulation shall extend, in the first instance, to the Cities of Bangalore and Mysore, but the Government may, by notification, extend to any other local area, all or any of its provisions with such verbal modifications as, having regard to the principles of this Regulation, may be necessary for the purposes of such extension.

DEFINITION.

2. In this Regulation, unless there is anything repugnant in the subject or context :—

'Brothel' means any house, room, or place, or any part thereof which the occupier or person in charge thereof allows to be used by any other person for the purposes of prostitution.

'Place of public amusement' shall mean any place, enclosure, building, tent, booth, or other erection, whether permanent or temporary, where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided, and to which the public are admitted either on payment of money or with the intention that the money may be collected from those admitted, and shall include a race course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium or fencing school, massage room and turkish baths.

'Place of public entertainment' shall mean any place, whether enclosed or open, to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place; and shall include a refreshment-room, eating-house, coffee-house, liquor-house, boarding-house, lodging-house, hotel, tavern, or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop.

'Prostitution' means indiscriminate sexual intercourse for hire.

'Magistrate' means a City Magistrate or a Stipendiary Magistrate of the First Class.

'He' means and includes 'She' also.

Solicitation.

3. Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not,

(*a*) by words, postures, wilful and indecent exposure of his or her person or otherwise, attracts or endeavours to attract attention for the purpose of prostitution, or;

(*b*) solicits or molests any other person for the purpose of prostitution shall be punished with imprisonment for a period or term which may extend to three months, or with fine which may extend to one hundred rupees.

Prostitution in Places of Public Amusement.

4. Whoever being the owner, keeper, landlord or manager of any place of public amusement or entertainment, knowingly permits prostitutes or procurers for the

purpose of their trade to meet or remain in such place, shall be punished with fine which may extend to one hundred rupees.

LIVING ON THE EARNINGS OF PROSTITUTION.

5. (*a*) Any person over the age of sixteen who knowingly employs or causes or abets the employment by another person for prostitution and lives, wholly or in part on such earnings shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees, or both.

Presumption thereof.

(*b*) Where a person is proved to be living with or to be habitually in the company of a prostitute or is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting, or compelling her prostitution with any other person or generally, it shall be presumed, until the contrary is proved, that he is knowingly living on the earnings of prostitution.

PROCURATION.

6. Any person who procures or attempts to procure or causes to procure any woman or girl, whether with or without her consent, to become a prostitute, or who, with intent that she may for the purposes of prostitution become the inmate of or frequent a brothel, persuades a woman or girl to leave her usual place of abode, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or both.

IMPORTING WOMAN OR GIRL FOR PROSTITUTION.

7. Any person who brings or attempts to bring or causes to be brought into any village, town or city in the State, any girl or woman, with a view to her becoming a prostitute, shall be punished with imprisonment which may extend to three years, or with fine which may extend to five hundred rupees, or with both.

8. Where a Magistrate empowered under this Regulation has reason to believe from a report made to him by

a Police Officer, or otherwise, that a girl apparently under the age of 18 years is living or is carrying on or is being made to carry on the business of a prostitute in a brothel, disorderly house, or place of assignation, he may issue an order to a Police Officer not below the rank of an Inspector specially authorised in writing in this behalf by the Superintendent of Police, to enter into such brothel, disorderly house or place of assignation, and to remove therefrom such girl; and thereupon such Police Officer shall have the power to enter into such brothel, disorderly house or place of assignation, and shall be entitled to remove such girl forthwith from such brothel, disorderly house or place of assignation.

Commitment to Suitable Custody.

9. A girl who has been so removed shall be brought before a Magistrate empowered under this Act, and the Magistrate shall cause an inquiry to be made and if satisfied that the girl is under 18 years of age and that she should be dealt with as therein provided, may make an order that such girl be placed, until she attains the age of 21 years or for any shorter period, in a Rescue Home provided or aided or recognised by the Government or in such other custody as the court for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or body of a different religious persuasion from that of the girl.

Intermediate Custody of the Girl removed from Brothel, etc.

10. When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of Section 8, the Superintendent of Police in Mysore or any other Police Officer carrying out the removal shall, until such girl can be brought before the court, cause her to be detained in a Rescue Home provided, aided, or recognised by the Government (other than a police station or jail), provided that as far as possible such custody shall not be that of a body of a different religious persuasion from that of the girl.

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UNLAWFUL DETENTION FOR PROSTITUTION.

11. (*a*) Whoever detaining any woman or girl against her will,

(i) in any house, room, or place in which the business of a common prostitute is carried on, or

(ii) in or upon any premises with intent that she may have sexual intercourse with any man, other than her husband, whether with any particular man or generally,

shall be punished with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Presumption thereof.

(*b*) Where a woman or girl is in any house, room, or place in which the business of a common prostitute is carried on, or is in or upon any premises for the purpose of having sexual intercourse referred to in sub-clause (ii), a person shall be deemed to detain such woman or girl in such house, room, place or in or upon such premises if, with intent to compel or induce her to remain there, such person withholds from her any wearing apparel, personal ornaments or other property belonging to her; or, where wearing apparel, personal ornaments, other personal property, or money has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel or personal ornaments or other personal property so lent or supplied, or for the recovery of such money.

BAR OF CERTAIN LEGAL PROCEEDINGS.

12. No civil suit shall lie, and no proceedings whether civil or criminal shall be taken, against any such woman or girl or against any person on her behalf, by or on behalf of any person occupying or managing or acting or assisting in the management of any such house, room, place or premises, for the recovery of any wearing apparel, personal ornaments, or other property, alleged to have been lent or supplied to or for such woman or girl or to have been pledged by or for her or for the recovery of any

money alleged to be payable by or on behalf of such woman or girl.

PUNISHMENT FOR KEEPING A BROTHEL OR ALLOWING PREMISES TO BE USED AS A BROTHEL.

A

13. (i) Any person who—

(*a*) keeps or manages or acts or assists in the management of a brothel; or

(*b*) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or

(*c*) being the lessor, or landlord of any premises or the agent of such lessor or landlord, lets the same, or any part thereof, with the knowledge that the same or any part thereof, may be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof, as a brothel;

shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees.

Punishment for Subsequent Offence.

B

13. (ii) Any person who, having been convicted of an offence punishable under Section A, is convicted of a subsequent offence punishable under the said section, shall be punished with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and may in addition to such punishment, be required by the court to execute a bond, with sureties, for his good behaviour for such period not exceeding three years, as the court may direct, and in default of executing such bond, may be imprisoned for a period not exceeding six months in addition to the punishment awarded in respect of his offence.

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C

13. (iii) (*a*) On conviction of the tenant, lessee or occupier for any offence under Section A, clause (*b*), the landlord or lessor shall be entitled to require the person so convicted to assign the lease or other contract, under which the said premises are held by him, to some person approved by the landlord or lessor, which approval shall not be unreasonably withheld, and, in the event of the person so convicted failing within three months to assign the lease or contract as aforesaid, the landlord or lessor shall be entitled to determine the lease or other contract, but without prejudice to the rights or remedies of any part to such lease or contract accruing before the date of such determination.

(*b*) If the landlord or lessor determines a lease or contract of tenancy under the provisions of sub-section (*a*), the court which has convicted the tenant, lessee or occupier may make an order for delivery of possession to the landlord or lessor within such time, not being less than seven days, as the court may direct. The order shall be served on the person against whom it is made in the manner provided in the Code of Criminal Procedure for service of a summons, and if such person fails to comply with it, he shall be punished with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees.

(*c*) If the landlord or lessor after he has received notice in writing of such conviction fails to exercise his rights under sub-section (*a*) and consequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have abetted that offence, unless he proves that he has taken all reasonable steps to prevent the recurrence of the offence.

(*d*) Where a landlord or lessor determines a lease or other contract under this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person, without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence

of any such offence, he shall be deemed to have failed to exercise his rights under the provisions of this section and any such offence committed during the subsistence of the subsequent lease or contract shall be deemed, for the purpose of this section, to have been committed during the subsistence of the previous lease or contract.

Arrest without Warrant.

14. (*a*) Any Police Officer, not below the rank of an Inspector on information, and, if the offence is committed in his view, any Police Officer specially authorised in this behalf by the District Magistrate, may arrest without a warrant any person committing an offence punishable under Section 3.

(*b*) Any Police Officer, not below the rank of an Inspector, may, without an order from a Magistrate and without warrant, arrest any person who has been concerned in an offence punishable under Section 11, or against whom a reasonable complaint has been made or credible information has been received, of his having been concerned in an offence under sub-section (*c*) of Section 13 (i).

Power to Enter Premises.

15. If the Magistrate or the District or a First Class Magistrate or the District Superintendent of Police or Assistant Superintendent of Police, holding jurisdiction in the area, for the purpose of ascertaining whether an offence punishable under Sections 5, 6, 7 and 11, has been or is being committed in any building, enclosure, room, place in which he has reason to believe that any woman or girl is living in respect of whom, an offence punishable under Sections 5, 6, 7 or 11 has been committed, may either himself enter or by his warrant give authority to any Police Officer, not below the rank of a Police Inspector, to enter with such assistance as may be found necessary, by night or by day and by force, if necessary.

Any Police Officer, not below the rank of an Inspector, authorised in this behalf by the District Magistrate by special order may, for the purpose of ascertaining whether an offence punishable under Sections 5, 6, 7, 8 or 11 has been or is being committed, enter without a warrant, any premises in which he has reason to believe that any woman or girl is living, in respect of whom an offence

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Provides punishment to persons who procure or cause to procure girls or women for employing them as prostitutes.

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Section 1—

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(*b*) Describes the area where the different provisions of the Bill will be in operation and also describes the power to be reserved to Government about the extension of the different provisions of the Bill, from time to time to different parts of the State.

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Definition of the various terms used in the Bill is given.

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22

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Empowers certain officers to enter premises for purpose of ascertaining whether offences under certain sections are committed there are not.

Section 16—

States by what Magistrates the offences under this Regulation are triable.

Printed by the Superintendent at the Government Press, Bangalore.

"I seek not Kingdom, nor Paradise, nor even Salvation;
I seek only the Deliverance from Affliction of the Afflicted."

Deena Seva Sangha

CENTRES OF WORK:

1. SEVA ASHRAM, MALLESWARAM.
2. LABOURERS' FELLOWSHIP SCHOOL, SESHADRIPURAM.
3. SRI RAMAKRISHNA FREE SCHOOL, COTTONPET.
4. DEENA SEVA FREE DISPENSARIES. MALLESWARAM & SESHADRIPURAM.
5. DEENA VIDYARTHI ASHRAM, SESHADRIPURAM.

President:
SJT. DEVA RAO SHIVARAM

Vice-President:
MISS RUTH E. ROBINSON

Treasurer:
SJT. V. VENKATESIAH

Secretary:
SJT. RAMACHANDRA

AIMS & OBJECTS

1 To promote the moral and material well-being of the masses & educate them and their children by conducting Settlements, Schools, Orphanages, Bhajanas, etc., and to train them for citizenship.

2 To carry on propaganda against the evils of Drink, Insanitation, Intemperance and Inhuman practices, and also Social Inequalities and vices.

3 To train and maintain a band of missionary self-sacrificing workers for the carrying on of the above objects & aims.

Malleswaram-Bangalore
Date 28th Jan. 1936.

To
Rajamantraprawina
S. P. Rajagopalachari, B.A., B
First Member of Council
Bangalore.

Dear Sir.

I have a special request to make of you. I am leaving tonight to Delhi to attend the meeting of the All-India Harijan Board and from there I go to Lucknow to fix up the Stalls for the Mysore State Rural Industries in the Khadi Exhibition. I shall be back in Bangalore on the 10th of March, 1936, and I request you to kindly fix up the meeting of the Select Committee on the Suppression of Immoral Traffic Bill to some date after the 10th March 1936, and thus enable me to participate in it. I have made a

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collection of necessary papers and references through the kind courtesy of Rao Bahadur K.V. Sesha Iyanger, BA BL, Secretary of the Madras Vigilance Assn.

I hope it will be convenient for you to fix the meeting of the Select Committee after the 10th March '36.

Thanking you,

I remain,

Ever yours in service

Rameshamma

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 26-2-36

Signed by Sd. C. S. I.

List of enclosures.....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No. P5658-69.

To

1) D. S. Malayapperumal Esq.
2) Khan Bahadur Mr. Shamsul Abbas Khan
3) A. E. Waldron Esq. B. Sc.
4) Rao Bahadur Mr. B. K. Gaundachar
5) D. Ramachandra Esq.
6) Rajasabhabushana Diwan Bahadur Mr. K. R. Srinivasangar
7) J. A. Hamilton Esq. C. I. E.
8) Sastravaidyaparavina Dr. S. Subba Rao B. A. M. B. C. M., L. R. C. P.
9) A. R. Nageswara Iyer Esq. B. A., B. L.
10) H. V. Ramaswamy Esq. M. A., B. L.
11) D. V. Gundappa Esq.
12) H. C. A. Sapper Esq. member L. C. B. A., I. C. S.

A meeting of the Select Committee appointed to consider the Bill to enforce the law

26

Regarding suppression of Immoral Traffic in Mysore

will be held in the Chambers of the Hon'ble Member of Council, Public Offices Buildings, Bangalore at 11 A.M. on ~~Thursday~~ Friday the ~~19th~~ 27th March 1926

B. O

Sd/- C. A. [illegible]

Sd/- Copy to [illegible] to the Hon'ble Member ✓

" " Law Office ✓

B. ✓

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat, 27

Bangalore dated 24th February 1936.
25

No. P5658-69

Official Memorandum.

A meeting of the Select Committee appointed to consider the Bill to enforce the Law regarding suppression of Immoral Traffic in Mysore will be held in the Chambers of the First Member of Council, Public Offices Buildings, Bangalore at 1 p.m. on ~~Thursday~~ Friday the 27th March 1936.

By Order,

Secretary,
Legislative Council.

5393 ~~5393~~

No. .....

THE KARNATAKA SAHITYA PARISHA
(THE KANNADA LITERARY ACADEMY)
HARDINGE ROAD, BANGALORE CITY

Basavangudi,
28 Feb. 1936.

Dear Mr Subrahmanya Iyer,

Has the 25th March been finally & unalterably fixed for the meeting of the Select Committee on the Suppression of Immoral Traffic Bill? I ask this because I have a meeting of the Senate to attend on the 26th March, at Mysore. It is the Budget meeting of the Senate and it may have to continue the next day. In that event, I'll be obliged to absent myself from one of the meetings. I look to you to give me any relief that may be possible.

With best regards,

Yours sincerely,

K.V. Gundappa

D.O. No. P 5932

GENERAL AND REVENUE SECRETARIAT,

Dated, Bangalore 4th 6 March 1936.

29

Dear Sir,

Referring to your letter dated 28th February 1936 enquiring if it would be possible to change the date, viz., 27th March 1936, fixed for the meeting of the Select Committee on the Supression of Immoral Traffic Bill, I am desired to state that it is regretted that it will not be convenient to alter the date.

Yours sincerely,

D.V.Gundappa, Esq.,
The Karnataka Sahitya Parishat,
(The Kannada Literary Academy) Hardinge Road,
Bangalore City.

Draft of amendments.

Extent and commencement.

Clause 1 B. - The following may be substituted for clause 1 B.

" The Government may from time to time by notification in the Official Gazette apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification."

Provided that sections 8, 9 and 10 shall not be so applied to any area unless the Government are satisfied that there are a sufficient number of rescue homes in that area."

(Note.- The first para is on the lines of the Amending Act of Madras (1932). The second para makes it incumbent on the Government to satisfy themselves about the existence of a sufficient number of rescue homes before particular provisions are extended.)

Clause 2.- In the definition of brothel, the word " habitually " may be inserted between the words " therein " and " allows ".

(Note.- This is from the Madras Act of 1930.)

Heads of Agreement.

Agent and Commercial

Clause 1 - The following may be substituted for Clause 1

"The Government may from time to time by proclamation in the Official Gazette apply all or any of the provisions of this Agreement to the Angle or any other Agreement specifically more fully specified in the notification and may accept or modify any such notification."

Provided that sections 8, 9 and 10 should not be applied in any area unless the Government are satisfied that there are sufficient number of "Tongue Homes in that area."

(Note - The first part is on the lines of the Lancashire pot of Indra (1924) The second part makes it incumbent on the Government to satisfy themselves about the existence of a sufficient number of "Tongue Homes before particular provisions are extended.)

Clause 3 - In the definition of actual a word "Hunting" may be inserted between words "Interest" and "allows

(Note - This is from the Indus for 1920)

Clause 5 A.- The wording is not very clear. The words " such earnings " are indefinite. The Bombay section which is as follows may be adopted.

" Any person not below the age of 16 years who unknowingly lives wholly or in part on the earnings of prostitution of another person shall be punished with imprisonment which may extend to 2 years or with fine which may extend to five hundred rupees or with both."

Clause 5 B.- The words " ~~are~~ or to be keeping or managing or assisting in the management of a brothel " may be inserted between the words " generally " and " it ".

Clause 7.- The words " bringing into any village, town or city " are rather vague. In the Bombay Act, the words " bringing into the City of Bombay " are very definite. We may adopt the Madras section 9 which is as follows:

" Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both."

Clause 5.- "Any person who shall be under the age of 16 years who unknowingly lives wholly or in part on the earnings of prostitution of another person shall be punished with imprisonment which may extend to 2 years or with fine which may extend to five hundred rupees or with both."

Clause 6.- "Words "or being found in the management of a brothel" may be inserted between the words "generally" and "it".

Clause 7.- "The words "trafficking in any village, town or city" are rather vague. In the Bombay Act, the words "trafficking in the city of Bombay" are very certain. We may adopt the Madras section, which is as follows:

"Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to 2 years or with fine which may extend to five hundred rupees or with both."

B.2

Clause 9. - The following may be substituted for clause 9 :

" A girl who has been so removed under section 8 shall be brought before a Magistrate having local jurisdiction and such Magistrate shall make such inquiry as he thinks fit and if satisfied that the girl is under the age of 18 years and that she ~~shall~~ should be dealt with as hereinafter provided may make an order that such girl be placed until she attains the age of 21 years or for any shorter period under such conditions as may be prescribed in a rescue home provided or aided or recognised by the Government or in such other custody as the Court for reasons to be stated in writing shall consider suitable provided that such custody shall not be that of a person other than a relative of the girl ~~xx~~ or body of a different religious persuasion from that of the girl ."

Clause 9 - The following may be substituted for clause

33

Clause 10.- For clause 10 the following may be substituted:

" When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of section 8, the police officer carrying out the removal shall, until such girl can be brought before a Magistrate, cause her to be detained in a rescue home provided, aided, or recognised by the Government or in such other suitable custody other than a police station or jail as may be prescribed in this behalf by the Government provided that as far as possible such custody shall not be that of a body of a different religious persuasion from that of the girl."

Clause 10.- For clause 10 the following may be substituted:-

"When a person has been removed from a brothel or otherwise house or place of prostitution under the provisions of section 87 the police officer concerned shall forthwith report such fact to the Magistrate, cause such person to be detained in a rescue home, provided that before a magistrate, cause such person to be detained in a rescue home, provided and certified by the Government medical officer such person is suffering from a venereal disease or is a person of unsound mind, such person may be prescribed in this behalf by the Government provided that as far as possible such institution shall not be that of a member of a different religious persuasion from that of the girl."

3 11

~~Clxxxxx13x(C)x1.~~

Clause 13 (1) (C).- For clause 13 (1) (C) substitute the following:

" being the lessor, or landlord of any premises or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that the same or any part thereof is intended to be used as a brothel or is wilfully a party to the continued use of the same or any part thereof as a brothel;"

Clause 15.- For clause 15 the following may be substituted:

" Notwithstanding anything contained in any other law for the time being in force a Magistrate or a District Superintendent of Police or an Assistant Superintendant of Police or a police officer not below the rank of an Inspector authorised in this behalf by the District Magistrate by a special order or the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under sections 5, 6, 7 and 11 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living, in respect of whom an offence punishable under sections 5,6,7 and 11 has been committed

[illegible]

[illegible] clause 15 (1) (c) [illegible]

[illegible] subsections the following:

[illegible] being the lessee, or landlord or any [illegible] premises or the tenant of such lessee or [illegible] landlord, into the cause or any [illegible] premises [illegible] to which the same or any part thereof is intended to be used as a [illegible] thereof is prohibited;"

[illegible] subsection of the same of [illegible] proper necessity [illegible] a [illegible] to the [illegible] thereof is prohibited;"

Clause 15 (2) [illegible] clause 15 (1) (c) [illegible] be substituted:

"(2) Notwithstanding anything contained in any other law for the time being in force a [illegible] police or an assistant superintendent of police of a police officer not below the rank of an Inspector authorised in this behalf by the District Magistrate by a special order or the District Superintendent of Police may [illegible] for the purposes of proceedings under section [illegible] or any offence punishable under sections [illegible] of [illegible] has been or is being committed, enter [illegible] without a warrant any premises in which he [illegible] reason to believe that any woman or girl is living in fear of or from an offence punishable under sections [illegible] and has been committed

35

A new clause, Clause 17, may be added as follows:

" The Government may make rules

(a) for the care, treatment, instruction and maintenance of girls placed in a rescue home or homes or other suitable custody under section 9; and

(b) for the detention of girls under the provisions of section 10 subject to the restriction that no girl shall be detained in the custody of a person or body of a different religious persuasion from that of the girl. "

A now statute, Chapter 17, may be added as follows

The Commissioner may grant licenses

(a) to the care, treatment, rehabilitation and maintenance of girls placed in a refuge home or home or other suitable custody under section of a person or body of a different faith from that of the girl shall be required in the direction relating to religious upbringing of such girl

(b) for the establishment of hostels under the provisions of section of

MYSORE MEDICAL DEPARTMENT

SZ-8
36

Telephone No. 215

OFFICE OF THE SENIOR SURGEON IN MYSORE,

No. U.C. 312
Encl.

Bangalore, dated the 10 *day of* 3 *1936.*

65'20
12.3.36.

OFFICE OF THE SECRETARY
14 MAR 1936
REPRESENTATIVE ASSEMBLY

FROM

SASTRAVAIDYA PRAVINA

S. SUBBA RAO, ESQ., B.A., M.B.C.M., M.R.C.S. (Eng.), L.R.C.P., D.P.H.,

Senior Surgeon with the Government of H. H. the Maharaja of Mysore.

To

The Secretary,
Legislative Council, Bangalore.

Sir,

With reference to your Memo No.P.5658-69 dated 24/26th February 1936, appraising me of the meeting of the Committee for suppression of Immoral Traffic in Mysore on Friday the 27th Instant, I have the honour to inform you that a Senate Meeting is arranged to be held at Mysore from the 26th Instant, and as I will have to attend this meeting, it will not be possible for me to attend the committee meeting on the 27th.

I have the honour to be,

Sir,

Your most obedient servant,

S. Subba Rao

Senior Surgeon.

Submit for perusal
See
(Prof. B. W.C)
(Sr Member)
CSR. 11/3/36

U 17/3/36

This may be placed before the Committee
SPV 16/3

5664

3)

Sub. [illegible] Draft reply

[illegible] 18/3

(This is sent as instructed by The 1st Member)

[illegible] 18/3/36

Appendix F G—1]

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* ..

Date of issue 19. 3. 36

Signed by Mr. C. S. J

List of enclosures.....

Copied by 19/3/36

Examined by.....

Section

File No.

Serial No.

No. P 6285

To

Sri Srinivasa Prasad
S. Subba Rao Esq.
B.A., M.B.C.M.,
M.R.C.S., L.R.C.P.
D.P.H.
Senior Surgeon
G. M. L. C.

Sir,

With reference to your letter No. L. C. 812 of 10/3 in the draft of the minutes of the Select Committee to consider the Immoral Traffic Suppression Bills, I am directed to state that the date cannot conveniently be changed. The second and the request you to kindly

39

make its arrangements to
be present at the meeting that
date ~~on the Saturday~~
~~Inst. only one~~ ~~the 28 the~~

I have the

Sec'y L.C.

See

1893/86

97263-73

(10)

30

3

6

Appendix F G—1]

SUBJECT.....

.....

.....

41

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 30/4/36

Signed by [illegible]

List of enclosures.....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No. P7263-78

To

1) D. S. [illegible] Esq

2) Khan Bahadur Mahomed Abbas Khan

3) Rao Bahadur B. K. [illegible]

4) D. Ramachandra [illegible] Esq

5) Rajasevaprabhakara Dewan Bahadur K. R. Srinivasa Iyengar Esq M.A.

6) J. B. Harrington Esq C.I.E.

7) Sastravinodaprasidha Dr. S. Subba Rao B.A. M.B.B.S., L.R.C.P.

8) A. R. Nagesvara Iyer Esq B.A., B.L.

9) G. V. Ramaswamy Esq M.A., B.L.

10) P. V. Gurumurthy Esq

11) W. C. [illegible] Esq

[illegible]

[illegible]

of the Select Committee
appointed to consider
the Suppression
of immoral traffic
Bills will be held on
the chambers of
the First Member
of Council, Public Offices
Buildings, Bangalore
at 2 P.M. on Wednesday
the 6th May 1886

B. O

Secy to the Committee

Copy to P.S. to 1st Member
" C & B
" L & Office

6771/P 35

43

ಕರ್ಣಾಟಕ ಸಾಹಿತ್ಯ ಪರಿಷತ್ತು

ಶ್ರೀ ಕೃಷ್ಣರಾಜೇಂದ್ರ ಪರಿಷನ್ಮಂದಿರ, ಚಾಮರಾಜಪೇಟೆ, ಬೆಂಗಳೂರು ಸಿಟಿ

KARNATAKA SAHITYA PARISHAT

(*THE KANNADA LITERARY ACADEMY, ESTD. & REGD. 1915*)

SRI KRISHNARAJENDRA K. S. PARISHAT BUILDINGS, HARDINGE ROAD, CHAMARAJPET

President :
HIS HIGHNESS
SRI KANTIRAVA NARASIMHARAJA WADIYAR BAHADUR, G.C.I.E.
YUVARAJA OF MYSORE

Bangalore City, (South India)

2nd May 1936

From

D. V. GUNDAPPA, ESQ.,
VICE-PRESIDENT, KARNATAKA SAHITYA PARISHAT,
BANGALORE CITY.

To

The Secretary,
Mysore Legislative Council,
BANGALORE.

Dear Sir,

With reference to your memorandum No.P. 7263-73 dated 29/30 of April 1936, I regret it may not be possible for me to attend the meeting of the Select Committee on the Immoral Traffic Bill, to be held on 6th May 1936 at 3 P.M., as I have got to be presiding over a conference at the Karnataka Sahitya Parishat on that day practically at that very hour as may be seen from the marked portion of the enclosed programme of the Spring Literary Festival of the Parishat.

Yours Truely,

D. V. Gundappa

ಕರ್ಣಾಟಕ ಸಾಹಿತ್ಯ ಪರಿಷತ್ತು, ಶ್ರೀ ಕೃಷ್ಣರಾಜೇಂದ್ರ ಪರಿಷನ್ಮಂದಿರ, ಬೆಂಗಳೂರು ನಗರ.

ವಿಶೇಷ ಸಾಹಿತ್ಯೋತ್ಸವ

ಆಧುನಿಕ ವಿಚಾರೋಪನ್ಯಾಸಗಳು, ವಿಜ್ಞಾನ ಪ್ರಯೋಗಗಳು, ಕಾವ್ಯವಾಚನ, ಗ್ರಂಥ ಪ್ರದರ್ಶನ, ಅಕ್ಷರ ಸಮ್ಮೇಳನ, ಸಂಘ ಸಮ್ಮೇಳನ ಇತ್ಯಾದಿ.

ಉದ್ದಿಷ್ಟ ಕಾರ್ಯಕ್ರಮ

೧೯೩೬ನೆಯ ಮೇ ತಾರೀಖು, ದಿನ	ಬೆಳಗ್ಗೆ ೮-೩೦ ರಿಂದ ೧೦-೩೦ರ ವರೆಗೆ	ಮಧ್ಯಾಹ್ನ ೧ ರಿಂದ ೩ರ ವರೆಗೆ	ಮಧ್ಯಾಹ್ನ ೪ ರಿಂದ ೫-೩೦ರ ವರೆಗೆ	ಸಾಯಂಕಾಲ ೬ ರಿಂದ ೮ರ ವರೆಗೆ-
೬ ಬುಧವಾರ	**ಆರಂಭೋತ್ಸವ** ರಾಜಸಭಾಭೂಷಣ ದಿವಾನ್ ಬಹದ್ದೂರ್ ಸರ್ ಕೆ. ಪಿ. ಪುಟ್ಟಣ್ಣಶೆಟ್ಟಿ, ಕೆಟಿ., ಸಿ.ಐ.ಇ., ಎಲ್‌ಎಲ್.ಡಿ.,-ಅವರಿಂದ	**ಕರ್ಣಾಟಕ ಸಂಘಗಳ ಸಮ್ಮೇಳನ**	**ಕಾವ್ಯವಾಚನ** ಮಾ॥ರಾ॥ ಕೆ.ಜಿ. ಸಂಪತ್ಕುಮಾರಾಚಾರ್ಯ, ಬಿ. ಎ., ಬಿ. ಟಿ.	**"ಬೆಳಕು" ಎಂದರೆ ಏನು ?** ಉಪನ್ಯಾಸಕರು :-ರಾವ್ ಬಹದ್ದೂರ್ ಪ್ರೊ॥ ಬಿ. ವೆಂಕಟೇಶಾಚಾರ್ಯರು, ಎಂ.ಎ., ಎಫ್. ಇನ್‌ಸ್ಟ್.ಪಿ. ಅಧ್ಯಕ್ಷರು :-ಮಾ॥ರಾ॥ ಕೆ. ಶಂಕರನಾರಾಯಣರಾಯರು, ಎಂ.ಎ., ಬಿ.ಎಲ್.
೭ ಗುರುವಾರ	**ಕನ್ನಡ ವರ್ಣಮಾಲೆಯ ಚರಿತ್ರೆ** ಉಪನ್ಯಾಸಕರು :-ಡಾ॥ ಎಂ. ಎಚ್. ಕೃಷ್ಣ, ಎಂ.ಎ., ಡಿ.ಲಿಟ್ (ಲಂಡನ್) ಅಧ್ಯಕ್ಷರು :-ಪ್ರಾ. ವಿ. ವಿ॥ ರಾ. ಬಾ॥ ಮ. ಮಾ॥ ರಾ. ನರಸಿಂಹಾಚಾರ್ಯ, ಎಂ.ಎ. ಎಂ.ಆರ್. ಎ.ಎಸ್.	**ಕನ್ನಡ ಅಕ್ಷರ ಸಂಸ್ಕರಣ ಸಮ್ಮೇಳನ** ವಿಜ್ಞಾನ ಕಾರ್ಯಶಾಲೆಗಳ ನೋಟ.		**ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಶಿಲಾ ಸಂಪತ್ತು** ಉಪನ್ಯಾಸಕರು :-ಪ್ರೊ॥ ಎಲ್. ರಾಮರಾವ್, ಎಂ.ಎ., ಎಫ್. ಜಿ. ಎಸ್. ಅಧ್ಯಕ್ಷರು :-ದಿವಾನ್ ಬಹದ್ದೂರ್ ಎನ್. ಎನ್. ಐಯ್ಯಂಗಾರ್, ಎಂ.ಐ.ಇ. ಇತ್ಯಾದಿ
೮ ಶುಕ್ರವಾರ	**ಇಂಡಿಯಾ ದೇಶದ ಹೊಸ ರಾಜ್ಯ ವ್ಯವಸ್ಥೆ,** ಉಪನ್ಯಾಸಕರು :-ಪ್ರೊ॥ ವಿ. ಎಲ್. ಡಿಸೌಜ, ಬಿ.ಎ., ಬಿ. ಕಾಂ. ಅಧ್ಯಕ್ಷರು:-ಮಾ॥ರಾ॥ ಎನ್. ಎಸ್. ಸುಬ್ಬರಾವ್, ಎಂ.ಎ.,(ಕ್ಯಾಂಟಬ್)	**ಕರ್ಣಾಟಕ ಸಂಘಗಳ ಸಮ್ಮೇಳನ** [ಮುಂದುವರಿದದ್ದು]	**ಕಾವ್ಯವಾಚನ** ಮಾ॥ ರಾ॥ ಮಾಯಿಗೌಡರು	**ಸಸ್ಯ ಜೀವನದ ಕೆಲವು ಸಮಸ್ಯೆಗಳು** ಉಪನ್ಯಾಸಕರು :-ಅ॥ ಪ್ರೊ॥ ಎಲ್. ನಾರಾಯಣರಾವ್, ಎಂ.ಎಸ್.ಸಿ. ಅಧ್ಯಕ್ಷರು :-ಪ್ರೊ॥ ಎಂ. ಎ. ಸಂಪತ್ಕುಮಾರ್, ಎಂ. ಎ., ಪಿ.ಎಚ್.ಡಿ., ಎಸ್.ಎಂ.
೯ ಶನಿವಾರ	**ಭಾವ ಸ್ವರೂಪ** ಉಪನ್ಯಾಸಕರು :-ಮಾ॥ರಾ॥ ಎನ್. ಎಸ್. ನಾರಾಯಣ ಶಾಸ್ತ್ರಿ, ಎಂ.ಎ. ಅಧ್ಯಕ್ಷರು :-ಟಿ. ಎಸ್. ವೆಂಕಣ್ಣಯ್ಯ, ಎಂ.ಎ.	**ಕನ್ನಡ ಅಕ್ಷರ ಸಂಸ್ಕರಣ ಸಮ್ಮೇಳನ** [ಮುಂದುವರಿದದ್ದು] ವಿಜ್ಞಾನ ಕಾರ್ಯಶಾಲೆಗಳ ನೋಟ.		**ಕ್ರಿಮಿ ಶಾಸ್ತ್ರ ಮತ್ತು ನಮ್ಮ ಅನುದಿನದ ಜೀವನ** ಉಪನ್ಯಾಸಕರು :-ಡಾ॥ಸಿ. ವಿ. ನಟರಾಜ್, ಬಿ.ಎಸ್.ಸಿ., ಎಂ.ಬಿ., ಬಿ.ಎಸ್., ಡಿ.ಪಿ.ಎಚ್. ಅಧ್ಯಕ್ಷರು :-ಡಾ॥ ಎಸ್. ಸುಬ್ಬರಾವ್, ಬಿ.ಎ., ಎಂ.ಬಿ., ಸಿ.ಎಂ. ಇತ್ಯಾದಿ
೧೦ ಭಾನುವಾರ	**ಪರಿಷತ್ತಿನ ವಿಶೇಷ ಅಧಿವೇಶನ** (ಪರಿಷತ್ಸದಸ್ಯರಿಗೆ ಮಾತ್ರ.)		**ಕಾವ್ಯವಾಚನ** ಮಾ॥ ರಾ॥ ಎಸ್. ಜಿ. ಬಿಂದೂರಾಯರು	**ದೃಷ್ಟಿಯಲ್ಲಿ ಕುಂದು** ಉಪನ್ಯಾಸಕರು :-ಡಾ॥ ಬಿ. ಕೆ. ನಾರಾಯಣರಾವ್, ಬಿ.ಎ., ಎಂ.ಬಿ. ಸಿ.ಎಂ. ಇತ್ಯಾದಿ ಅಧ್ಯಕ್ಷರು :-ಡಾ॥ ಜೆ. ವಿ. ಕರ್ವಿ, ಎಂ.ಬಿ., ಬಿ.ಚ., ಡಿ.ಪಿ.ಎಚ್.
೧೧ ಸೋಮವಾರ	**ಕಾವ್ಯ ಬೋಧೆ** ಉಪನ್ಯಾಸಕರು :-ಮಾ॥ರಾ॥ ಪಂಜೆ ಮಂಗೇಶರಾಯರು, ಬಿ.ಎ.,ಎಲ್.ಟಿ. ಅಧ್ಯಕ್ಷರು :-ಪ್ರೊ॥ ಬಿ. ಎಂ. ಶ್ರೀಕಂಠಯ್ಯ, ಎಂ.ಎ., ಬಿ.ಎಲ್.	ವಿಜ್ಞಾನ ಕಾರ್ಯಶಾಲೆಗಳ ನೋಟ.	**ಶೈವ ಧರ್ಮಗಳು** ಉಪನ್ಯಾಸಕರು :-ಡಾ॥ ಎಸ್. ಸಿ. ನಂದಿಮಠ, ಎಂ.ಎ., ಪಿ.ಎಚ್.ಡಿ., ಅಧ್ಯಕ್ಷರು :-ಪ್ರೊ॥ ಬಿ. ಎಂ. ಶ್ರೀಕಂಠಯ್ಯ, ಎಂ.ಎ., ಬಿ.ಎಲ್.,	**ಸೃಷ್ಟಿಕಾರಿ ರಸಾಯನ ಶಾಸ್ತ್ರ** ಉಪನ್ಯಾಸಕರು :-ಪ್ರೊ॥ ಪಿ. ರಮಾನಂದರಾವ್, ಎಂ.ಎ., ಎಲ್.ಟಿ. ಅಧ್ಯಕ್ಷರು :-ಪ್ರೊ॥ ಬಿ. ಸಂಜೀವರಾವ್, ಎಂ.ಎ., ಪಿ.ಎಚ್.ಡಿ.
೧೨ ಮಂಗಳವಾರ	**ಕಾವ್ಯ ಜೀವನದ ಮಹೋನ್ನತಿ** ಉಪನ್ಯಾಸಕರು :-ಪ್ರೊ॥ ವಿ. ಕೆ. ಗೋಕಾಕ್, ಎಂ.ಎ. ಅಧ್ಯಕ್ಷರು :-ಮಾ॥ರಾ॥ ಮಾಸ್ತಿ ವೆಂಕಟೇಶಯ್ಯಂಗಾರ್, ಎಂ.ಎ.		**ಅಭಿನಯ** ಮಾ॥ ರಾ॥ ಶ್ರೀನಿವಾಸ ಕುಲಕರ್ಣಿ	**ಸಮಾಜ ಪರಿಶುದ್ಧಿ** ಉಪನ್ಯಾಸಕರು :-ಡಾ॥ ಜೆ. ವಿ. ಈಶ್ವರಮೂರ್ತಿ, ಬಿ.ಎ., ಎಲ್.ಎಂ.ಎಸ್., ಇತ್ಯಾದಿ ಅಧ್ಯಕ್ಷರು :- ಮಾ॥ ರಾ॥ ಜಿ. ಎಂ. ಮೆಹ್‌ಕ್ರಿ, ಬಿ.ಎ., ಎಲ್.ಎಲ್. ಬಿ.
೧೩ ಬುಧವಾರ	**ಹರಿಜನರ ಸಮಸ್ಯೆಗಳು** ಉಪನ್ಯಾಸಕರು :-ಶ್ರೀಮಾನ್ ವಿ. ವೆಂಕಟಸುಬ್ಬಯ್ಯನವರು, ಬಿ.ಎ. ಅಧ್ಯಕ್ಷರು :-ಶ್ರೀಮಾನ್ ಬಿ. ಪುಟ್ಟಯ್ಯ, ಬಿ.ಎ.		**ದೇವರ ನಾಮಗಳು** [೩-೩೦ ರಿಂದ ೫ರ ವರೆಗೆ] ಮಾ॥ ರಾ॥ ವೇಣುಗೋಪಾಲ ದಾಸರು	**ಉಪಸಂಹಾರ**

ಈ ಕಾರ್ಯಕ್ರಮದಲ್ಲಿ ಉಪನ್ಯಾಸಕರು ಮೊದಲಾದವರ ಅನುಕೂಲಕ್ಕೆ ಅವಶ್ಯವಾದಂತೆ ಬದಲಾವಣೆಗಳು ಆದರೂ ಆಗಬಹುದು.

ಗ್ರಂಥ ಪ್ರದರ್ಶನವು ಪ್ರತಿದಿನವೂ ಮೇಲಿನ ವೇಳೆಗಳಲ್ಲಿ ಪರಿಷತ್ತಿನ ನಡುಗೋಡೆಯಲ್ಲಿ ತೆರೆದಿರುವುದು.

Proceedings of the Meeting of the Select Committee on the Bill to enforce legislation suppressing Immoral Traffic in the Mysore State.

6th May 1936.

Present.

Rajamantrapravina S.P. Rajagopalachari, B.A., B.L., First Membet of Council, (Chairman)

Sastravaidyapravina Dr. S. Subba Rao,

Mr. F.A., Hamilton, C.I.E.,

Mr. A.R. Nagesvara Aiyar, ~~BxAxxxBxLx~~,

Mr. H.V. Ramaswami

Rajasabhabhushana Diwan Bahadur K.R. Srinivasa Iyengar.

Rao Bahadur B.K. Garudachar.

Khan Bahadur Mahomed Abbas Khan.

Mr. H.C. Dasappa

Mr. D.S. Mallappa

Mr. T. Ramachandra

Mr. C. Subrahmanya Aiyar (Secretary)

Absent.

Mr.D.V. Gundappa.

Clause 12 was taken up for consideration, clauses 1 to 11 having been considered in a previous meeting.

It was suggested that the clause be deleted since the presumption contained in clause 11 (b) had been proposed to be omitted and in Madras and Bombay similar provision is made as a consequence of the presumption, and in order to simplify the measure and make it more easily workable.

Mr. D.S. Mallappa was of opinion that the clause should be ratained with a view to protect

the woman saved from a brothel from any civil or criminal suit, by the brothel keeper sometime hence. She may be charged with theft of ornaments etc.,

It was pointed out that a woman saved from the brothel would spurn the jewels acquired under such circumstances.

It was also pointed out by the Inspector General of Police that no brothel keeper would ever make such a charge.

The Chairman observed that any contract in this connection would be void; that there would be no probability of such action being taken and thirdly that it would be objectionable on general grounds. He also added that since the presumption contained in clause 11 (b) has been deleted, the clause was unnecessary. Once she is rescued in the manner prescribed in the Bill, there can be no question of theft.

Mr. Mallappa still considered that the retention of the clause was necessary, on the ground that persecution by the brothel-keeper of the woman saved from the brothel must be discouraged. Mr. Dasappa also agreed in this view.

The Chairman observed that it had been decided that this measure would not be enforced until rescue homes were started. Mr. Mallappa's point seems to be this: What should happen to the woman if somebody (Brothel-keeper) files a suit against her. We are not interested in that. Once a woman is rescued from a brothe the responsibility of the Govt. ceases. There

are the rescue homes and her own relations to protect her. If nobody cares to take care of her and if the brothel-keeper files a suit against her, the contract is void. Secondly, he dare not file a suit. It will be something like a thief making a complaint to the effect that while he was engaged in the act of thieving, he was assaulted by a member of the house. It is improbable. In the first place, brothel keeping itself is made illegal, and it is not likely that a brothel-keeper will file any such suit.

The opinion of the other members of the House was taken in the matter of deletion of the clause. All the members except

1. Mr. D.S. Mallappa
2. Mr. H.C. Dasappa, and
3. Mr. T. Ramachandra

were in favour of its deletion.

Clauses Nos. 13 ~~and 14~~.

It was agreed that clause 5 of the Madras ~~Bill~~ Act be substituted for the existing clause.

Clauses. No. 14 and 15.

The House was in favour of adopting clauses 13 and 14 of the Madras ~~Bill~~ Act as it was found to be more compact.

Clause No. 16. This clause was slightly modified. The words "City Magistrates" were deleted as City Magistrates were Stipendiary Magistrates of the First Class. Slight alterations were made in the figures mentioned in the clause.

The meeting terminated at 5 p.m.

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Select Committee Report on the suppression of immoral traffic bill.

We, the undersigned members to which the Bill for the suppression of immoral traffic was referred have considered the Bill at the meeting held on 27th March 1936 and 6th May 1936 and have now the honour to submit this, our report.

2 The Committee consider that ~~the main object of~~ the bill should be ~~restricted~~ deal mainly with the great two connected questions of suppression of brothels & of immoral traffic and have made suitable changes in the bill to bring this out more clearly & make such ~~ft~~ suitable changes as were considered necessary -

3 ~~2.~~ As the main ~~object~~ of the ~~Bill~~ is the suppression of brothels and immoral traffic in women, we have altered the heading of the bill into "Bill for the suppression of brothels and immoral traffic" and altered the preamble as follows:

"Whereas it is expedient to make provision for the suppression of brothels and immoral traffic in the Mysore State; it is hereby enacted as follows:-"

4 ~~3.~~ Clause 1(a). The word "Mysore" should be omitted in the short title as it is unnecessary.

5. [Immoral traffic in & Cap]

~~5.~~ Clause 1(b). In order that the operation of the measure may be effective, ~~well-organised~~ rescue homes should first be provided. The Government should extend the provisions to a local area only after satisfying themselves that there are a sufficient number of rescue homes in the area. We have therefore recast Clause 1 (b) as follows:--

not clear

Extend - Does this not apply to b, 7, 1?

It is considered necessary to put this there instead of under the appropriate section

"1(b). The Government may from time to time, by notification in the Official Gazette apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such

such notification,

"Provided that sections 6, 7 and 8 shall not be so applied to any area unless the Government are satisfied that there ~~xxxx~~ are sufficient number of rescue homes in that area."

5. Clause 2.(i). In the definition of "brothel" the word "habitually" should be inserted after the word "thereof" where it occurs a second time as the characteristic of a brothel is habitual use for purposes of prostitution.

(ii) Definitions of "place of public amusement" and "place of public entertainment" should be omitted as clauses 4 and 5 which are the only clauses wherein they occur are proposed to be deleted.

(iii) In the definition of "prostitution" the word "promiscuous" should be substituted for "indiscriminate".

(iv) In the definition of "Magistrate" the words "a City Magistrate or" should be omitted as a stipendiary magistrate of the First Class will include a City Magistrate.

(v) In view of the provision in the General Clauses Regulation, the definition of "he" is unnecessary and should be omitted.

(vi) The following definition should be added at the end of clause 2:-

"Proscribed" means proscribed by rules made under this Regulation.

6. Clause 3. The provision in the Bill in respect of solicitation has been taken from the Bombay Act which is an enact-

enactment specially applicable to the City of Bombay which has its own peculiar problems and difficulties in the matter. The clause is some-what elaborate and there will be practical difficulties in its operation in Mysore. We are ~~also~~ of opinion that it is only where solicitation becomes an annoyance or nuisance, or offends against public decency, that it should be penalised. We therefore recommend that the provision in the Madras Act which is simpler be adopted and in ~~adopting~~ it we have prescribed a ~~fine~~ of Rs. 200 instead of Rs. 1,000. The clause may be

(Please don't compare modern Bombay always)

~~The clause as~~ amended ~~will be~~ as follows:-

"3. Whoever,

(1) in any street or public place, solicits any person for the purpose of prostitution, in such manner as to cause obstruction annoyance or danger to the residents or passengers or to offend against public decency, or

(2) frequents such street or public place, for the purpose of prostitution or of solicitation so as to constitute a nuisance, or to offend against public decency, shall be punished with imprisonment for a term ~~which~~ which may extend to two ~~xxxx~~ months or with fine which may extend to two hundred rupees or with both.".

7. Clauses 4 and 5. As the ~~chief~~ main purpose of the bill is confined ~~objective of the bill is~~ to suppress brothels and immoral traffic in women and girls, it ~~seems~~ does not appear to be necessary ~~is best that we deal in this bill with only~~ to deal with ~~the~~ other than these offences relating to them. Clauses 4 and 5 which are adopted from the Bombay Act are

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very wide and aim as it were, at the suppression of prostitution which is not the object of the present bill. Further, the offences as embodied in the clauses are difficult of proof and depend mostly on circumstantial evidence and special presumptions. The police cannot launch prosecutions with measureable chances of success. It will be arming the police with power which may be used in undesirable directions by some unscrupulous persons and the result is likely to be the reverse of what was aimed at. Similar provisions are absent in the Madras Act. For these reasons we recommend that clauses 4 and 5 be deleted and that the subsequent clauses be renumbered.

8. Clause 6: We have amended ~~recommend that the wording of section 11 of the Madras Act be adopted as it brings out more clearly the gist of the offence of procuration. The clause as amended will be as follows:--~~ this clause as follows to make it more clear:—

"Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or with both."

9. Clause 8. The wording of this clause is vague. It is not clear what is meant by "bringing into any village or town or city" - whether from outside the State or from any other place within the State. It is the taking from one place to another for the business of prostitution that is the essence of this offence. We have therefore amended the clause as follows: ~~on the lines of Section 9 of the Madras Act:-~~

"5. Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both."

10. Clause 8. The words "empowered under this Regulation" should be omitted as they are unnecessary. For the words "of a prostitute" the words "of prostitution" should be substituted, as the latter has been defined.

11. Clause 9. We have redrafted clause 9 as follows:--

"7. A girl who has been removed under section 6 shall be brought before a magistrate having local jurisdiction and such magistrate shall make such inquiry as he thinks fit and if satisfied that the girl is under the age of 18 years, he may make an order that such girl be placed until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a rescue home provided or aided or recognised by the Government or in such other custody as the Court, for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or of a body of a different religious persuasion from that of the girl."

12. Clause 10. We have recast this clause with some verbal alterations as follows:-

"8. When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of section 6, the police officer carrying out the removal shall, until such girl can be brought before a magistrate cause her to be detained in a rescue home provided, aided, or recognised by the Government or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided, however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl".

13. As the magistrate has power to order the detention of a minor girl in a rescue home or other suitable custody, it is necessary

necessary to confer on the person having such custody the powers of a guardian over the minor ~~xxgixix~~ girl. We recommend that the following clause be inserted as clause 9 on the lines of Section 19 of the Bengal Act VI of 1933:-

"9. Notwithstanding anything contained in any other law, any person to whose custody a girl is committed by an order made under Section 7 shall, while the order is in force, have the like control over the girl as if he were her parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her parent, or any other person."

14. Clause 11. This clause which has been adopted from the Bombay Act is very elaborate requiring also a special presumption for making out an offence and it will cause difficulties in working. We consider that it will be sufficient and effective if we provide merely for the case of unlawful detention in a brothel. We recommend that sub-clause (a) be recast as follows, sub-clause (b) being omitted:--

"10. Any person who detains any woman or girl against her will in a brothel for purposes of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both."

15. Clause 12. This clause is supplementary to sub-clause (ii) of clause 11 which lays down a special presumption. Since the special presumption clause has been deleted, the majority of us are of opinion that clause 12 should also be deleted.

Messrs. D.S. Mallappa, H.C. Dasappa and T. Ramachandra are of opinion that this clause should be retained with a view to protect a woman rescued from a brothel from any civil or

criminal proceedings at the instance of the brothel keeper in respect of any jewels, clothing or money given or lent to her. The ordinary law itself gives sufficient protection and no special provision is necessary. If jewels, clothing or money have been given or lent to a woman or girl by the brothel keeper for carrying on the business of prostitution, the transaction is unlawful under law and he cannot recover them back.

All of us except the above three members are in favour of the deletion of this clause.

16. Clause 13. This clause ~~which has been adopted from Bombay~~ has been very elaborately worded - especially sub-clause (iii) for determination of the lease. A simple provision entitling the lesser to determine the tenancy on conviction of tenant with an offence under this section would be sufficient. We have therefore redrafted this clause as follows ~~on the lines of section 5 of the Madras Act:--~~

"11 (1) Any person who keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Any person who,

(a) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel;

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shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3). Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lesses, tenant or occupier thereof has been convicted under clause (a) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation."

17. Clauses 14 and 15. We have redrafted clauses 14 and 15 as follows. ~~on the lines of sections 12 and 13 of the Madras Act:--~~

".12. Any Police Officer (not below the rank of Inspector) on complaint, and any Police officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under sections 3, 4, 5 and 10 if the name and address of such person be unknown to such Police officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.

"13. Notwithstanding anything contained in any other law for the time being in force, only a Police officer authorized in this behalf by the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under sections 3, 4, 5 and 10 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under section 3, 4, 5 or 10 has been committed.

18. Clause 16. For the words and figures "5,6,7 and 8" substitute " 4, 5 or 6 "

The words "City Magistrates ~~and~~" should be omitted.

19. We have inserted the usual rule-making clause as follows:--

"15. The Government may make rules generally for carrying into effect the provisions of this Regulation and in particular

(a) for the care, treatment, instruction and the maintenance of girls placed in a Rescue Home or Homes or other suitable custody under Section 7;

(b) for the detention of girls under the provisions of Section 8."

20. As there have been very many changes in the Bill, we recommend that it be republished.

6
9/5/36

15 [illegible]
[illegible]
14/5/36

SELECT COMMITTEE REPORT ON THE SUPPRESSION of IMMORAL TRAFFIC BILL.

We, the undersigned members to which the Bill for the suppression of immoral traffic was referred have considered the Bill at the meetings held on 27th March 1936 and 6th May 1936 and have now the honour to submit this, our report.

2. The Committee consider that the bill should deal mainly with the two connected questions of suppression of brothels and of immoral traffic and have made suitable changes in the bill to bring this out more clearly ~~and make such suitable changes as were considered necessary.~~

3. In this view we have altered the heading of the bill into "Bill for the suppression of brothels and immoral traffic" and altered the preamble as follows :-

> "Whereas it is expedient to make provision for the suppression of brothels and immoral traffic in the Mysore State; it is hereby enacted as follows :-"

4. <u>Clause 1 (a)</u>. The word "Mysore" should be omitted in the short title as it is unnecessary.

SECRET COMMITTEE ABOUT THE SUPPRESSION OF IMMORAL TRAFFIC BILL

We, the undersigned members of the Select Committee on the suppression of immoral traffic, have considered the bill at the meetings held on 27th March 1920 and 27th April 1920 and have now the honour to submit this our report.

The Committee consider that the bill should definitely with the two commonest questions of suppression of brothels and immoral traffic but they have made certain amendments in the bill to bring the draft more clearly within the ~~[illegible]~~.

In this view we have altered the heading of the bill into "Bill for the suppression of brothels and immoral traffic" and altered the preamble as follows:

"Whereas it is expedient to make provision for the suppression of brothels and for the suppression of immoral traffic in the Presidency of Madras, it is hereby enacted as follows:"

Clause 1 (2): The word "Madras" should be omitted in the short title as it is unnecessary.

5. We are of opinion that the Regulation should come into operation only when conditions suitable for its working exist in a particular area and the Government may be empowered to extend it to particular areas when they are satisfied that such conditions exist. In clauses 6,7 and 8 of the Bill as amended by us provision is made for rescuing girls from brothels and placing them in ~~xxxxx~~ rescue homes. The establishment of rescue homes in a local area is therefore a conditio precedent for the extension of these provisions to such area and we consider that it is necessary to insert a provision to this effect in the clause defining the 'Extent' of the Regulation. We have therefore recast clause 1 (b) as follows:-

"1 (b) The Government may from time to time by notification in the official Gazette apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification,

"Provided that sections 6,7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area".

5. Clause 2 (i). In the definition of "brothel" the word "habitually" should be inserted after the word "thereof" where it occurs a second time as the charactertistic of a brothel is habitual use for purposes of prostitution.

(ii) Definitions of "place of public amusement" and "place of public entertainment" should

(iii) Definitions of places of public amusement and places of public entertainment should

purposes of prostitution

operations or a recognized medical use for the word "therapeutic where it occurs a second time in the word "medicinally" should be inserted after the

Clause 3 (1). In the definition of "brothel" the phrase "or a recognized medical use for

operation only when conditions exist which they are satisfied that such conditions exist" in lines 6, 7 and 8 of the bill is followed by an provision is made for rescuing girls from brothels in prostitution in areas requiring it. The establishment of rescue homes in a local area is therefore a condition precedent for the extension of these provisions to each area and we consider that it is necessary to insert a provision to this effect in the clause defining the "Department of the Specialist". We have therefore recast clause 1 (b) as follows:

"(1) (b) The Governor may from time to time by notification in the official Gazette apply all or any of the provisions of this Regulation to the whole or any portion of Victoria from such date as may be specified in the notification and may cancel or modify any such notification.

"Provided that sections 6, 7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area."

Clause 3 (1). In the definition of "brothel" the word "medicinally" should be inserted after the

should be omitted as clauses 4 and 5 which are the only clauses wherein they occur are proposed to be deleted.

(iii) In the definition of "prostitution" the word "promiscuous" should be substituted for "indiscriminate".

(iv) In the definition of "Magistrate" the words "a City Magistrate or " should be omitted as a stipendiary magistrate of the First Class will include a City Magistrate.

(v) In view of the provision in the General Clauses Regulation, the definition of "he" is unnecessary and should be omitted.

(vi) The following definition should be added at the end of clause 2 :-

"Prescribed" means prescribed by rules made under this Regulation.

6. Clause 3. The provision in the Bill in respect of solicitation has been taken from the Bombay Act which is an enactment specially applicable to the City of Bombay which has its own peculiar problems and difficulties in the matter. The clause is somewhat elaborate and there will be practical difficulties in its operation in Mysore. We are of opinion that it is only where solicitation becomes an annoyance or nuisance, or offends against public decency, that it should be penalised. We therefore recommend the clause may be amended as follows :-

"3. Whoever,

(1) in any street or public place, solicits any person for the purpose of prostitution, in such manner as to

should be omitted as Lords 4 and 5 which are the only clauses where they could be proposed to be deleted.

(iii) In the marginal note "Prosecution" the word "Prosecutor" should be substituted for "Indictment".

(iv) In the definition of "Registrar" e.g. a City Magistrate or Sheriff should be omitted as a statutory magistrate of the first class will include a City Magistrate

(v) In view of the provision in the Tenant Diseases Regulation, the definition of "Pest" is unnecessary and should be omitted.

(vi) The following definition should be added at the end of clause 2:

"Proprietor" means proprietor by virtue of the tenure table regulation."

8. Finally, the provisions of the Bill in regard to solicitation has been taken from the Podbay Act which is an enactment specially applicable to the City of South Africa and peculiar problems and difficulties in that matter. The clauses in question, however, and there will be practical difficulties in the operation of them. We are of opinion that it is only where solicitation becomes a nuisance or threatens to create serious nuisance, urgency, that it should be prohibited. The interests remained the clause may be amended as follows

"2. Whoever

(1) In any street or public place, solicits or endeavours for the purpose of prostitution in such manner as to

to cause obstruction annoyance or danger to the residents or passengers or to offend against public decency, or

(2) frequents such street or public place, for the purpose of prostitution or of solicitation so as to constitute a nuisance, or to offend against public decency, shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both."

7. Clauses 4 and 5. As the main purpose of the bill is confined to suppression of brothels and immoral traffic in women and girls, it does not appear to be necessary to deal with offences other than those relating to them. Clauses 4 and 5 which are adopted from the Bombay Act are very wide and aim as it were, at the suppression of prostitution which is not the object of the present bill. Further, the offences as embodied in the clauses are difficult of proof and depend mostly on circumstantial evidence and special presumptions. For these reasons we recommend that clauses 4 and 5 be deleted and the subsequent clauses be renumbered.

8. Clause 6. We have amended this clause as follows to make it more clear :-

"Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or with both."

9. Clause 7. The wording of this clause is vague. It is not clear what is meant by "bringing into any village or

to cause obstruction annoyance or danger to the inhabitants or passengers or to alarm peaceful citizens or

(2) frequents such street or place for the purpose of prostitution or of soliciting so as to constitute a nuisance or to offend decent citizens shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both."

Clauses 4 and 5. As the main purpose of the bill is confined to suppression of brothels and immoral traffic in women and girls, it does not appear to be necessary to deal with offences other than those relating to them. Clauses 4 and 5 which are another item the proposal are very wide and can be if were, at the disposition of disposition which are not the object of the present bill. Further, the offences mentioned in these clauses are difficult of proof and deserve consideration. Evidence and special provisions. For the reasons we recommend that clauses 4 and 5 be deleted and the succeeding clauses be renumbered.

Clause 6. We have amended the clause in order to make it more clear.

Any person who induces a woman or girl to go from any place with intent that she may, for the purpose of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years or with fine which may extend to two hundred rupees or with both.

Clause 7. The wording of this clause is vague. It is not clear what is meant by "shifting into any village

or town or city" whether from outside the State or from any other place within the State. It is the taking from one place to another for the business of prostitution that is the essence of this offence. We have therefore amended the clause as follows

"5. Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any women or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both".

10. Clause 8. The words "empowered under this Regulation" should be omitted as they are unnecessary. For the words "of a prostitute" the words "of prostitution" should be substituted, as the latter has been defined.

11. Clause 9. We have redrafted clause 9 as follows:-

"7. A girl who has been removed under section 6 shall be brought before a magistrate having local jurisdiction and such magistrate shall make such inquiry as he thinks fit and if satisfied that the girl is under the age of 18 years, he may make an order that such girl be placed until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a rescue home provided or aided or recognised by the Government or in such other custody as the Court, for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or of a body of a different religious persuasion from that of the girl".

12. Clause 10. We have recast this clause with some verbal alterations as follows :-

"8. When a girl has been removed from a brothel or

town or city, whether from outside the State or from any other place within the State. It is the taking from one place to another for the business of prostitution that is the essence of this offence. We therefore amended the clause as follows:

"Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her being or being kept or being used on the business of prostitution or assignation, or induces any woman or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to five hundred pounds or with both."

Clause 6. The words "upon oath under this legislation" should be omitted as they are unnecessary. For the words "of a prostitute" the words "for prostitution" should be substituted, as the latter has been defined.

Clause 9. We have redrafted clause 9 as follows:

"A girl who has been recovered under section 6 shall be brought before a magistrate having jurisdiction and such magistrate shall make such inquiry as the thinks fit and if satisfied that the girl is under the age of 18 years he may make an order that such girl be placed until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a regular home provided or recognised by the Government or in a reformatory as the court, for reasons to be stated in writing shall consider desirable, provided that such custody shall not be about a person other than a relative of the girl or of a body of a different religious persuasion from that of the girl."

Clause 10. We have redraft this clause with some verbal alterations as follows:

"When a girl has been removed from custody of

or disorderly house or place of assignation under the provisions of section 6, the police officer carrying out the removal shall, until such girl can be brought before a magistrate cause her to be detained in a rescue home provided, aided, or recognised by the Government or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided, however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl."

13. As the magistrate has power to order the detention of a minor girl in a rescue home or other suitable custody, it is necessary to confer on the person having such custody the powers of a guardian over the minor girl. We recommend that the following clause be inserted as clause 9 on the lines of Section 19 of the Bengal Act VI of 1933.-

"9. Notwithstanding anything contained in any other law, any person to whose custody a girl is committed by an order made under Section 7 shall, while the order is in force, have the like control over the girl as if he were her parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her parent, or any other person."

14. <u>Clause 11</u>. This clause which has been adopted from the Bombay Act is very elaborate requiring also a special presumption for making out an offence and it will cause difficulties in working. We consider that it will be sufficient and effective if we provide merely for the case of unlawful detention in a brothel We recommend that sub-clause (a) be recast as follows, sub-clause (b) being omitted :-

"10. Any person who detains any woman or girl against her will in a brothel for purposes of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to

or disorderly house or place of assignation under the provisions of section 6. The police officer carrying out the removal shall, until such girl can be brought before a magistrate, cause her to be detained in a rescue home provided, aided, or recognised by the Government, or such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government provided, however, that such custody shall not be that of a person or body of a different religious persuasion from that of the girl.

17. A magistrate has power to order the detention of a minor girl in a rescue home or other suitable custody. It is necessary to confer on the magistrate having such custody the powers of a guardian over the minor girl. We recommend that the following clause be inserted as clause 9 on the lines of section 25 of the General Act VI of 1897:-

"Notwithstanding anything contained in any other law, any person to whose custody a girl is committed by an order made under Section 7 shall, while the order is in force, have the like control over the girl as if he were her parent and shall be responsible for her maintenance and protection and the girl shall, during the period of such custody, not be claimed by her parent or any other person."

Clause 11. The clause which has been adopted from the Bombay Act is very elaborate requiring also a special prescription for making off on offences and it will cause difficulties in working. We consider that it will be sufficient and effective if we provide merely for the case of unlawful detention in a brothel. We recommend that sub-clause (e) be recast as follows, sub-clause (f) being omitted:-

"(e) any person who detains any woman or girl against her will in a brothel for purposes of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to

extend to one thousand rupees or with both."

15. Clause 12. This clause is supplementary to sub-clause (ii) of clause 11 which lays down a special presumption. Since the special presumption clause has been deleted, the majority of us are of opinion that clause 12 should also be deleted.

Messrs. D.S. Mallappa, H.C. Dasappa and T. Ramachandra are of opinion that this clause should be retained with a view to protect a woman rescued from a brothel from any civil or criminal proceedings at the instance of the brothel keeper in respect of any jewels, clothing or money given or lent to her. The majority however considered that the ordinary law itself gives sufficient protection and no special provision is necessary. If jewels, clothing or money have been given or lent to a woman or girl by the brothel keeper for carrying on the business of prostitution, the transaction is unlawfel under law and he cannot recover them back.

16. Clause 13. This clause has been very elaborately worded - especially sub-clause (iii) for determination of the lease. A simple provision entitling the lessor to determine the tenancy on conviction of the tenant ~~with~~ of an offence under this section would be sufficient. We have therefore redrafted this clause as follows :-

> "11. (1) Any person who keeps or manages or acts or ~~assistant~~ assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both;

extend to one thousand rupees or with both.

15. Clause 12. [illegible] sub-clause (ii) of clause 11 should have some special [illegible] since the amended provision [illegible] has been deleted, the majority [illegible] are of opinion that clause 12 should also be deleted.

[illegible] and [illegible] the majority of opinion that this clause should be retained with a view to protect a woman released from a [illegible] from any criminal proceedings at the instance of the brothel keeper in respect of any jewelry, clothing or money given or lent to her. The majority however considered that the ordinary law itself gives sufficient protection and no special provision is necessary. In jewelry, clothing or money given or lent to a woman, or in the brothel keeper for safeguarding or [illegible] of property, the presumption is [illegible] under law and [illegible] [illegible] book.

16. Clause 13. This clause has been very elaborately made - separate sub-clause (iii) for determination of the [illegible] of a brothel-keeper [illegible] the [illegible] [illegible] the [illegible] of [illegible] [illegible] [illegible]

(2) Any person who,

(a) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under Sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel; shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lesses, tenant or occupier thereof has been convicted under clause (a) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation."

17. Clauses 14 and 15.- We have redrafted clauses 14 and 15 as follows :-

"12. Any Police Officer (not below the rank of Inspector on complaint, and any Police Officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under sections 3,4,5 and 10 if the name and address of such person be unknown to such Police Officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.

(2) Any person who,

(a) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessee, tenant or occupier thereof has been convicted under clause (a) of sub-section (2), shall be entitled forthwith to determine such lease, tenancy or occupation.

17. Clauses 14 and 15 of the have renumbered clauses 14 and 15 as follows.

12. Any Police Officer not below the rank of Inspector on complaint, and any Police Officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offence punishable under sections 3,4,5 and 10 if the name and address of such person be unknown to such Police Officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.

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"13. Notwithstanding anything contained in any other law for the time being in force, only a Police Officer authorized in this behalf by the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under sections 3,4,5 or 10 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishabl under section 3, 4, 5 or 10 has been committed."

18. Clause 16. We have redrafted the clause as follows:— ~~For the word and figures "5,6,7 and 8" substituted "4,5 or 6". The words "City Magistrates" should be omitted.~~ "Two court inferior to that of a stipendiary magistrate of the first class shall try offences under sections 3,4,5,10 and 11."

19. We have inserted the usual rule making clause as follows :-

"15. The Government may make rules generally for carrying into effect the provisions of this Regulation and in particular;

(a) for the care, treatment, instruction and the maintenance of girls placed in a Rescue Home or Homes or other suitable custody under Section 7;

(b) for the detention of girls under the provisions of Section 8;

20. As there have been very many changes in the Bill, we recommend that it be republished.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Order No. P852 Legis 12-36-1 **Dated Bangalore,** 31.7.1936

Ordered that the accompanying Regulation for the Suppression of Brothels and immoral traffic in the Mysore State which received the assent of His Highness the Maharaja, on the fourteenth day of July 1936 be published as Regulation No. VIII of 1936, in the Mysore Gazette for general information.

Secretary to Government,
Local and Legislative Departments.

To—The Compiler, Mysore Gazette, for publication in Part ~~III~~ IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada as per standing orders. Proofs should be sent to this office for approval before publication.

Copy to Inam Estates Branch

D23

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REGULATION VIII OF 1936.

(Received the assent of His Highness the Maharaja on the fourteenth day of July 1936.)

Regulation for the Suppression of Brothels and Immoral Traffic in the Mysore State.

Price 0-0-9.

NOTIFICATION.

Order No. P. 852—Legis. 12-36-1, dated Bangalore, 31st July 1936.

Order that the accompanying Regulation for the suppression of brothels and immoral traffic in the Mysore State which received the assent of His Highness the Maharaja, on the fourteenth day of July 1936 be published as Regulation No. VIII of 1936, in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION VIII OF 1936.

(Received the Assent of His Highness the Maharaja on the Fourteenth day of July 1936.)

Regulation for the Suppression of Brothels and Immoral Traffic in the Mysore State.

Whereas it is expedient to make provision for the Suppression of Brothels and Immoral Traffic in the Mysore State; It is hereby enacted as follows :—

Short title.

1. (*a*) This Regulation may be called the Suppression of Immoral Traffic Regulation of 1936.

(*b*) The Government may from time to time, by notification in the Official Gazette apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification.

Provided that sections 6, 7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context :—

'Brothel' means any house, room, or place, or any part thereof which the occupier or person in charge thereof habitually allows to be used by any other person for the purposes of prostitution.

'Prostitution' means promiscuous sexual intercourse for hire.

'Magistrate' means a Stipendiary Magistrate of the First Class.

'Prescribed' means prescribed by rules made under this Regulation.

Solicitation.

3. Whoever,

(1) in any street or public place, solicits any person for the purpose of prostitution, in such manner as to cause obstruction, annoyance or danger to the residents or passengers or to offend against public decency, or

(2) frequents such street or public place, for the purpose of prostitution or of solicitation so as to constitute a nuisance, or to offend against public decency

shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both.

Procuration.

4. Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or with both.

Importing woman or girl for Prostitution.

5. Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both.

Removal of minor girl from brothel.

6. Where a Magistrate has reason to believe from a report made to him by a Police Officer, or otherwise, that a girl apparently under the age of 18 years is living, or is carrying on or is being made to carry on the business of prostitution in a brothel, disorderly house or place of assignation, he may issue an order to a Police Officer not below the rank of an Inspector specially authorised in writing in this behalf by the Superintendent of Police, to enter into such brothel, disorderly house or place of assignation, and to remove therefrom such girl; and thereupon such Police Office shall have the power to enter into such brothel, disorderly house or place of assignation, and shall be entitled to remove such girl forthwith from such brothel, disorderly house or place of assignation.

Commitment to suitable custody.

7. A girl who has been removed under section 6 shall be brought before a magistrate having local jurisdiction and such magistrate shall make such inquiry as he thinks fit and if satisfied that the girl is under the age of 18 years, he may make an order that such girl be placed

until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a rescue home provided or aided or recognised by the Government or in such other custody as the Court, for reasons to be stated in writing, shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or of a body of a different religious persuasion from that of the girl.

Intermediate custody of the girl removed from brothel, etc.

8. When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of section 6, the Police Officer carrying out the removal shall, until such girl can be brought before a magistrate, cause her to be detained in a rescue home provided, aided or recognised by the Government or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl.

Guardianship while in custody.

9. Notwithstanding anything contained in any other law, any person to whose custody a girl is committed by an order made under section 7 shall, while the order is in force, have the like control over the girl as if he were her parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her parent, or any other person.

Detention for Prostitution in brothel.

10. Any person who detains any woman or girl against her will in a brothel for purposes of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

Punishment for keeping a brothel or allowing premises to be used as a brothel.

11. (1) Any person who keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment which may extent to two years or with fine which may extend to one thousand rupees or with both.

(2) Any person who,

(*a*) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

(*b*) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section (1) or clause (*a*)

of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is willfully a party to the use of such premises. or any part thereof, as a brothel;

shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessee, tenant or occupier thereof has been convicted under clause (*a*) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation.

Arrest without Warrant.

12. Any Police Officer (not below the rank of an Inspector) on complaint, and any Police Officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under sections 3, 4, 5, and 10 if the name and address of such person be unknown to such Police Officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.

Power to enter premises.

13. Notwithstanding anything contained in any other law for the time being in force, only a Police Officer authorized in this behalf by the District Superintendent of Police may, for the purposes of ascertaining whether an offence punishable under sections 3, 4, 5 or 10 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under Sections 3, 4, 5 or 10 has been committed.

Offences triable by certain Magistrates only.

14. No court inferior to that of a Stipendiary Magistrate of the first class shall try offences under sections 3, 4, 5, 10 and 11.

Power to make rules.

15. The Government may make rules generally for carrying into effect the provisions of this Regulation and in particular

(*a*) for the care treatment, instruction and the maintenance of girls placed in a rescue home or homes or other suitable custody under section 7;

(*b*) for the detention of girls under the provisions of section 8."

MIRZA M. ISMAIL,
Dewan.

Printed by the Superintendent at the Government Press, Bangalore.

G. R. S. 597.

GENERAL AND REVENUE SECRETARIAT.

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File No. 122

Serial Nos.

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PREVIOUS REFERENCES.	LATER REFERENCES.

GPB—8,000—5-4-67.